

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

\* \* \*

HOBART CORPORATION, et al. ,

Plaintiffs,

vs. CASE NO. 3:13-cv-00115-WHR

THE DAYTON POWER AND

LIGHT COMPANY, et al. ,

Defendants.

\* \* \*

Deposition of DAVID A. GRILLOT, Witness  
herein, called by the Plaintiffs for direct  
examination pursuant to the Rules of Civil  
Procedure, taken before me, Michelle A. Elam, a  
Notary Public in and for the State of Ohio, at the  
offices of Sebaly, Shillito + Dyer, 1900 Kettering  
Tower, 40 North Main Street, Dayton, Ohio, on  
Wednesday, the 28th day of May, 2014, at 1:06 p.m.

\* \* \*

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12 Refreshments USA, Inc. (Telephonically)  
13 Robert L. Roberts, Flowserve  
14 Malcolm Winne

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1                   DAVID A. GRILLOT  
2 of lawful age, Witness herein, having been first  
3 duly cautioned and sworn, as hereinafter  
4 certified, was examined and said as follows:

5                   DIRECT EXAMINATION

13:06:29 6 BY MR. SILVER:

13:06:29 7                   Q. Mr. Grillot , can you state your  
13:06:32 8 name for the record , please ?

13:06:33 9                   A. David A. Grillot .

13:06:35 10                  Q. And are you a resident of Dayton ,  
13:06:37 11 Ohio ?

13:06:38 12                  A. Yes .

13:06:38 13                  Q. And what is your address ?

13:06:40 14                  A. 2250 Bonnie Birch Court , Dayton ,  
13:06:47 15 Ohio , 45 459 .

13:06:50 16                  Q. Is it okay if I call you David ?

13:06:53 17                  A. Sure .

13:06:53 18                  Q. David , have you ever had your  
13:06:55 19 deposition taken before ?

13:06:56 20                  A. Once .

13:06:57 21                  Q. And what was the -- what was the  
13:07:00 22 occasion ?

13:07:00 23                  A. A neighbor dispute .

13:07:01 24                  Q. Okay . So you've been through this  
13:07:04 25 process in a law office before ? Nothing like

13:07:08 1 this ?

13:07:08 2 A. No .

13:07:09 3 Q. Was it -- did you testify in court  
13:07:11 4 or in a deposition setting ?

13:07:13 5 A. Just deposition .

13:07:14 6 Q. Okay. Well, you probably were  
13:07:18 7 reminded or told when you took your first  
13:07:21 8 deposition and I'll remind you now that this is  
13:07:24 9 going to be a question -and-answer conversation .  
13:07:27 10 I'll ask questions . You answer the questions  
13:07:30 11 to the best of your ability .

13:07:34 12 It's important that if you don't  
13:07:36 13 understand my question , please just ask me, tell  
13:07:40 14 me that you don't understand . If you don't hear  
13:07:43 15 my question , tell me to repeat it and I'll be  
13:07:46 16 happy to do so. Can you do that ?

13:07:48 17 A. Sure .

13:07:49 18 Q. Okay . Great . It's also important  
13:07:51 19 that you answer questions out loud for the  
13:07:57 20 court reporter who's taking everything down .  
13:07:58 21 She may not be looking at you if you nod your  
13:08:01 22 head or shake your head . Can you make sure to  
13:08:03 23 answer all questions out loud ?

13:08:05 24 A. Yes .

13:08:05 25 Q. Thank you . How are you feeling

13:08:08 1 today ?

13:08:08 2 A. I'm feeling fine .

13:08:10 3 Q. Okay. Are you on any medication ?

13:08:12 4 A. I should be .

13:08:13 5 Q. What's that ?

13:08:17 6 A. For what I'm about to experience .

13:08:19 7 But no .

13:08:20 8 Q. I see . Okay. Any reason why we  
13:08:24 9 can't go forward and do this deposition and  
13:08:26 10 complete it today ?

13:08:27 11 A. No .

13:08:27 12 Q. It's also important that if for  
13:08:32 13 any reason you need a break or feeling tired or  
13:08:34 14 need a comfort break , just let us know and we  
13:08:36 15 will accommodate you . Can you do that ?

13:08:39 16 A. Sure .

13:08:39 17 Q. All right . When were you born ?

13:08:41 18 A. October 1 , 1950 .

13:08:44 19 Q. All right . And were you born in  
13:08:46 20 the Dayton area ?

13:08:47 21 A. Dayton .

13:08:48 22 Q. Did you go to school in Dayton ?

13:08:51 23 A. In Kettering .

13:08:52 24 Q. Did you grow up in Kettering ?

13:08:55 25 A. No. I grew up in Moraine .

13:08:56 1 Q. Okay . Is Moraine part of the  
13:08:59 2 Kettering school district ?

13:09:01 3 A. Part of Moraine was Kettering .  
13:09:03 4 Part of Moraine was West Carrollton .

13:09:05 5 Q. I see . So you grew up in the  
13:09:07 6 Kettering portion of Moraine ?

13:09:08 7 A. Right .

13:09:09 8 Q. And where did you go to school ?

13:09:11 9 A. From start to finish ?

13:09:14 10 Q. Yeah . Sure .

13:09:16 11 A. South dale Elementary . J. M. Holt  
13:09:20 12 Elementary . Moraine Meadows Elementary .  
13:09:26 13 Dwight L. Barnes Junior High School and  
13:09:28 14 Fairmont West High School .

13:09:30 15 Q. Did you finish high school at  
13:09:31 16 Fairmont West?

13:09:32 17 A. Yes .

13:09:32 18 Q. What did you do after high school ?

13:09:34 19 A. I went to Wright State for about a  
13:09:37 20 year and a half .

13:09:37 21 Q. Okay . What did you -- did you  
13:09:40 22 have a major while you were there?

13:09:42 23 A. I was leaning towards business ,  
13:09:48 24 but me and school just didn't get along .

13:09:50 25 Q. Sure . Did you work while you were

13:09:52 1 at Wright State ?

13:09:52 2 A. No.

13:09:59 3 Q. And did you get a job after you  
13:10:00 4 left Wright State ?

13:10:02 5 A. Yes .

13:10:08 6 Q. What was that ?

13:10:10 7 A. I worked for Frigidaire . General  
13:10:14 8 Motors .

13:10:14 9 Q. How long did you work for  
13:10:15 10 Frigidaire ?

13:10:15 11 A. Three months .

13:10:16 12 Q. What did you do for them ?

13:10:18 13 A. I worked in the parts packing  
13:10:21 14 department .

13:10:21 15 Q. After Frigidaire , what did you do  
13:10:26 16 after that ?

13:10:26 17 A. I went back to Wright State .

13:10:27 18 Q. And how long were you at Wright  
13:10:30 19 State on the second time ?

13:10:31 20 A. About nine months .

13:10:32 21 Q. And did you work while you were at  
13:10:39 22 Wright State the second time ?

13:10:39 23 A. No.

13:10:41 24 Q. Then what happened after the nine  
13:10:42 25 months at Wright State ? Did you get a job ?



13:10:45 1 A. Yes .

13:10:45 2 Q. What did you do?

13:10:46 3 A. I believe I went to work for NCR .

13:10:54 4 Q. How long did you work for NCR?

13:10:56 5 A. Three months .

13:10:57 6 Q. What did you do for them?

13:10:59 7 A. Ran a lift machine .

13:11:02 8 Q. In Dayton ?

13:11:03 9 A. In Dayton , Ohio.

13:11:04 10 Q. And after that , where did you go?

13:11:07 11 A. Well , I was laid off from NCR .

13:11:10 12 Then I went to work -- I got married and I went  
13:11:15 13 to work for a surveyor . And then after that ,  
13:11:19 14 then my dad -- went to work for my dad in '71.

13:11:27 15 Q. What year did you get married ?

13:11:30 16 A. '70 .

13:11:31 17 Q. What month ?

13:11:32 18 A. June .

13:11:32 19 Q. All right . And so about -- do you  
13:11:40 20 remember what month you went to work for your  
13:11:42 21 dad in '71?

13:11:43 22 A. Not really . I -- spring .

13:11:48 23 Somewhere in that range .

13:11:49 24 Q. Somewhere in spring , '71 you  
13:11:52 25 started working for your dad?

13:11:53 1 A. Right .

13:11:54 2 Q. Okay . What is your -- what was  
13:11:59 3 your dad 's name ?

13:12:00 4 A. Alcine .

13:12:02 5 Q. Alcine Grillot ?

13:12:03 6 A. Alcine Sylvester Grillot .

13:12:07 7 Q. And what kind of business was he  
13:12:11 8 in ?

13:12:11 9 A. He operated a landfill .

13:12:14 10 Q. And what was the name of the  
13:12:15 11 landfill ?

13:12:16 12 A. South Dayton Dump .

13:12:18 13 Q. Did it go by any other name ?

13:12:20 14 A. Basically , no . When he started  
13:12:25 15 the -- the Moraine Recycling , it never did -- I  
13:12:32 16 don't think he ever did -- there was no  
13:12:34 17 letterhead , no checks in that name .

13:12:36 18 Q. There was another name called  
13:12:39 19 Moraine Recycling ?

13:12:41 20 A. Right .

13:12:41 21 Q. Was that a name that he started to  
13:12:43 22 use with respect to the dump in any sense ?

13:12:48 23 A. It was separate . It was on the  
13:12:50 24 dump property , but it was separate from the  
13:12:51 25 dump .

13:12:52 1 Q. Do you know whether Moraine  
13:12:54 2 Recycling was ever incorporated ?

13:12:56 3 A. I don't know .

13:12:59 4 Q. Do you have a thought about  
13:13:02 5 whether it was ever incorporated ?

13:13:07 6 MR. SHARETT: Larry , can you speak  
13:13:08 7 up , please ?

13:13:09 8 THE WITNESS: Do I have any thoughts  
13:13:10 9 if it was ?

13:13:12 10 Q. Yeah .

13:13:13 11 A. I don't -- I can't answer that .  
13:13:16 12 I -- I don't know .

13:13:17 13 Q. Okay . Okay . So let 's go back a  
13:13:21 14 little bit . Your dad had some connection to  
13:13:24 15 the South Dayton Dump ; is that right ?

13:13:26 16 A. My dad was the operator .

13:13:29 17 Q. What do you mean by operator ?

13:13:31 18 A. My Uncle Cyril Grillot and Horace  
13:13:37 19 Boesch owned the land and my dad paid a monthly  
13:13:40 20 rental for the land , which was a stipend  
13:13:43 21 basically , I guess , and my dad -- that was  
13:13:48 22 my -- that was my father 's landfill .

13:13:50 23 Q. What was the stipend that your dad  
13:13:54 24 paid to Cyril Grillot and Horace Boesch ? If  
13:14:02 25 you know .

13:14:06 1 A. Six hundred a month . I can't  
13:14:07 2 remember . That just sticks out in my mind .

13:14:09 3 Q. Do you know when that relationship  
13:14:12 4 began between your dad and Cyril and Horace  
13:14:20 5 regarding the stipend ?

13:14:22 6 A. No . Probably when my dad took  
13:14:24 7 over the dump from whoever had it before . I  
13:14:27 8 can't remember that fellow 's name .

13:14:29 9 Q. Do you have any knowledge as to  
13:14:30 10 when your dad started the dump ?

13:14:32 11 A. It had to be -- I don't know --  
13:14:39 12 early '50s .

13:14:40 13 Q. Is it possible -- do you know  
13:14:43 14 whether it may have started before you were  
13:14:45 15 born , he may have started the dump before you  
13:14:48 16 were born ?

13:14:49 17 A. Possible . I don't know . That's  
13:14:53 18 the only thing I knew my father ever did .  
13:14:57 19 So --

13:14:58 20 Q. Was Alcine also the mayor of  
13:15:01 21 Moraine ?

13:15:02 22 A. Right .

13:15:02 23 Q. So was that a paid job ?

13:15:04 24 A. If you wanted to call it that . I  
13:15:11 25 can't -- six hundred a year maybe . It was very

13:15:16 1 small .

13:15:16 2 Q. Do you know what period of time he  
13:15:18 3 was the mayor of Moraine ?

13:15:21 4 A. 1959 to 1969 .

13:15:26 5 Q. Now , you mentioned that you went  
13:15:29 6 to work for your dad in 1971 .

13:15:31 7 A. Right .

13:15:32 8 Q. Perhaps spring of 1971 . Had you  
13:15:40 9 had any relationship to -- I assume that you  
13:15:42 10 went to work for him at the South Dayton Dump ;  
13:15:45 11 is that right ?

13:15:46 12 A. At that time , he was -- he was  
13:15:57 13 building the new air curtain destructor to burn  
13:16:02 14 the wood in . So when I first started there ,  
13:16:10 15 they were building that . I was helping pour  
13:16:12 16 the concrete pad and pour the pad on the other  
13:16:19 17 side of it to recycle the cardboard . So it was  
13:16:22 18 just general labor .

13:16:23 19 Q. So you started doing general labor  
13:16:27 20 work involved in pouring concrete for the new  
13:16:31 21 air curtain destructor ; is that right ?

13:16:34 22 A. Correct .

13:16:34 23 Q. And you were doing that for your  
13:16:36 24 dad ?

13:16:36 25 A. Right .

13:16:37 1 Q. We'll talk more about that in a  
13:16:42 2 little bit. But I'm curious about what  
13:16:44 3 connection you had to the South Dayton Dump  
13:16:49 4 prior to that. Had you ever visited the South  
13:16:53 5 Dayton Dump prior to your having begun working  
13:16:56 6 for your dad in 1971?

13:16:58 7 A. Many times.

13:16:59 8 Q. Tell me about -- in general --  
13:17:02 9 about what occasions you had to visit the dump.

13:17:04 10 A. Oh, a lot of times we would go up  
13:17:07 11 there and we would -- at that time, you could  
13:17:10 12 open burn. So no garbage was ever taken at the  
13:17:16 13 dump. So it was household -- you know, just  
13:17:19 14 household, people clean out a garage, clean out  
13:17:22 15 a house, furniture, you know, anything they  
13:17:25 16 didn't want, they would bring to the dump. And  
13:17:30 17 it would be dumped on the bank and then as the  
13:17:35 18 pile grew out, then my father would take a  
13:17:39 19 bulldozer and push it high, into a higher  
13:17:42 20 mound. So we would go up there and we would  
13:17:46 21 root and see what we could find. It could be  
13:17:49 22 a -- you could find a, you know, an old Lionel  
13:17:52 23 train. You know, you could find a lot of  
13:17:54 24 different stuff. So we would just do it like  
13:17:58 25 on a -- like a hunt -- like hunt and find, you

13:18:02 1 know , like a treasure hunt .

13:18:03 2 Q. This is when you were a kid ?

13:18:06 3 A. Yeah . Ten , eleven , twelve ,  
13:18:09 4 thirteen , fourteen , fifteen .

13:18:11 5 Q. Uh-huh . And you said that you --  
13:18:15 6 you used the word we would do that . Who would  
13:18:18 7 you do that with ?

13:18:19 8 A. A friend , neighbor . Maybe cousin .  
13:18:23 9 You know , it was just a fun time .

13:18:25 10 Q. And you mentioned a cousin . What  
13:18:28 11 cousin was that ?

13:18:29 12 A. Probably Eddie . Edward Grillot .

13:18:32 13 Q. Any other cousins you would go up  
13:18:36 14 there with ?

13:18:37 15 A. Not that I can remember .

13:18:38 16 Q. Do you know a Mike Wendling ?

13:18:41 17 A. Right .

13:18:42 18 Q. Ever go to the dump with Mr.  
13:18:46 19 Wendling ?

13:18:46 20 A. No . Not that I can recall .

13:18:47 21 Q. Do you have any -- any brothers or  
13:18:50 22 sisters in your family ?

13:18:51 23 A. I have one sister . She's ten  
13:18:53 24 years younger .

13:18:55 25 Q. Is she still alive ?

13:18:56 1 A. Yes .

13:18:57 2 Q. Did she ever go to the dump with  
13:18:59 3 you ?

13:19:00 4 A. No. She's a girl .

13:19:01 5 Q. This was a boys ' thing to do ?

13:19:04 6 A. Right . And like I said, she's ten  
13:19:06 7 years younger . By the time -- she was born in  
13:19:09 8 '60 . By the time -- the dump started to -- the  
13:19:12 9 business levels of the dump and that type of --  
13:19:17 10 that type of collection or what was brought  
13:19:19 11 into the dump was more or less done by 1970 ,  
13:19:27 12 '71 .

13:19:27 13 Q. When you say that type of  
13:19:30 14 collection was done , what sort of a collection  
13:19:33 15 were you -- are you referring to ?

13:19:34 16 A. Like the household stuff . Well ,  
13:19:36 17 that stuff probably ceased when open air  
13:19:41 18 burning was banned.

13:19:42 19 Q. The house -- the collection of  
13:19:44 20 household items ceased when open air burning  
13:19:48 21 was banned? Is that -- do I understand that ?

13:19:51 22 A. For the most part , you know ,  
13:19:54 23 because -- you know , in that time , like I said,  
13:19:58 24 my father would -- the pile of debris , if you  
13:20:03 25 want to call it that , may run two hundred foot ,



13:20:06 1 three hundred foot and maybe pushed up into a  
13:20:10 2 height of fifteen , sixteen foot . Then once a  
13:20:13 3 month , that pile would be lit , like on a  
13:20:17 4 Saturday night or Friday night , and it would  
13:20:19 5 burn all weekend . And then the following  
13:20:21 6 Monday , the fire was gone and the ash was  
13:20:26 7 pushed over a bank and then that increased --  
13:20:30 8 increased your ground capacity , your ground --  
13:20:35 9 if you started out with , say , an acre after a  
13:20:38 10 year , you might have two acres of land , that it  
13:20:42 11 was at a higher level than what you started  
13:20:45 12 out .

13:20:45 13 Q. I see .

13:20:46 14 A. So when the ground -- this is just  
13:20:48 15 my assumption . When the open burning was  
13:20:51 16 ceased , then you had no way of land filling  
13:20:55 17 that volume of , say , irregular shapes , you  
13:21:00 18 know , like a couch , chair , building materials ,  
13:21:04 19 you know , landfill , probably the way he would  
13:21:10 20 want to do it because he didn't have all  
13:21:13 21 that -- all that like aggregate coming in ,  
13:21:20 22 dirt , you know , in that volume to actually --  
13:21:23 23 are you following what I'm saying ?

13:21:25 24 Q. I'm trying to .

13:21:25 25 A. You know , to carry that -- to

13:21:30 1 carry that volume to land -- to cover it, to  
13:21:33 2 cover and bury it, I don't think there was  
13:21:36 3 enough of the volume of dirt and fill to cover .  
13:21:43 4 That's just my way of thinking .

13:21:44 5 Q. And what you're referring to is to  
13:21:48 6 cover the kinds of household wastes that were  
13:21:51 7 coming in --

13:21:51 8 A. Right .

13:21:52 9 Q. -- is that right ?

13:21:53 10 A. Right .

13:21:54 11 Q. Do you have a memory as to when  
13:21:56 12 open burning was prohibited at the South Dayton  
13:22:00 13 Dump ?

13:22:04 14 A. No. It's -- late '60s. I don't  
13:22:07 15 know .

13:22:07 16 Q. Is late '60s your best memory ?

13:22:10 17 A. That's -- yeah . I -- you know ,  
13:22:14 18 I'm sure that's in county records , whenever  
13:22:16 19 they banned it.

13:22:17 20 Q. And it's your understanding or  
13:22:21 21 belief , is it your belief that household wastes  
13:22:25 22 stopped coming in in large volumes at that  
13:22:28 23 point in time ?

13:22:29 24 A. Yeah .

13:22:29 25 Q. And you said before that garbage

13:22:35 1 never came into the --

13:22:35 2 A. No .

13:22:36 3 Q. Let me finish the question . --

13:22:37 4 that garbage never came into the site . Is that  
13:22:40 5 your understanding ?

13:22:40 6 A. Right .

13:22:41 7 Q. What do you mean by garbage ?

13:22:43 8 A. Kitchen trash . Food waste ,  
13:22:47 9 house -- you know , garbage garbage .

13:22:49 10 Q. Have you heard the term municipal  
13:22:53 11 waste ?

13:22:54 12 A. Right .

13:22:54 13 Q. Do you know what -- do you have an  
13:22:57 14 understanding what municipal waste is?

13:22:59 15 A. Well , what's your understanding ?

13:23:01 16 Q. Well , let me ask it differently .

13:23:03 17 A. Tell me -- tell me what you're  
13:23:04 18 asking and I'll tell you if it came .

13:23:07 19 Q. What I'm asking about is your  
13:23:09 20 understanding of garbage , the usual kind of  
13:23:14 21 weekly or biweekly pickups .

13:23:16 22 A. What you set out to the curb and  
13:23:19 23 the man that comes to your house and picks up  
13:23:22 24 your household trash, that's garbage .

13:23:24 25 Q. And when you were referring to

13:23:24 1 household waste earlier, you were talking about  
13:23:25 2 some kind of a special sending of other kinds  
13:23:28 3 of household wastes to the South Dayton Dump  
13:23:33 4 landfill ; is that right ?

13:23:34 5 A. I don't follow what you just said .

13:23:36 6 Q. Well, I want to make a  
13:23:40 7 distinction .

13:23:41 8 A. Household trash . My trash is  
13:23:43 9 picked up at my house every Wednesday . When I  
13:23:45 10 put it in that can , that's household trash .  
13:23:48 11 That is garbage . That is tin cans , that is  
13:23:51 12 meat wrapping , that is rotten tomatoes ,  
13:23:55 13 potatoes . That is household garbage . My  
13:23:57 14 father never took that .

13:23:58 15 Q. But you did say that your father  
13:24:00 16 took something from the household , and I want  
13:24:02 17 to make sure that the record is clear as to how  
13:24:04 18 you're distinguishing what your father did take  
13:24:07 19 at South Dayton Dump from garbage .

13:24:11 20 A. If you had furniture , if you had a  
13:24:12 21 refrigerator , if you had a stove , if you had  
13:24:14 22 yard wastes , you know , tree trimmings , stuff  
13:24:20 23 like that , the stuff that wouldn't fit in your  
13:24:23 24 trash can . Your household garbage fits in a  
13:24:28 25 trash can . The other stuff , you had to use a

13:24:31 1 pickup truck to transport to wherever you're  
13:24:34 2 transport ing it to. That's what my father  
13:24:37 3 took .

13:24:37 4 Q. Sure . That helps . I did  
13:24:37 5 understand, but I wanted to make sure it was  
13:24:37 6 clear on the record.

13:24:37 7 A. Okay.

13:24:41 8 Q. Now , in addition to the kind of  
13:24:42 9 household materials your dad did take at the  
13:24:46 10 South Dayton Dump , did your dad also take what  
13:24:50 11 you might refer to as industrial waste ?

13:24:53 12 A. Yes .

13:24:53 13 Q. What do you mean by industrial  
13:24:55 14 waste ? Just so the record is clear .

13:25:00 15 A. It came from a factory . It came  
13:25:02 16 from a business .

13:25:03 17 Q. Uh-huh . Did your dad regularly  
13:25:07 18 take waste from fact ories and businesses ?

13:25:09 19 A. Yes .

13:25:10 20 Q. As far back as you can remember ?

13:25:14 21 A. As far back as I can remember .

13:25:15 22 Q. And was he taking waste from  
13:25:21 23 fact ories and businesses when you began working  
13:25:24 24 for him in the spring or so of 1971 ?

13:25:28 25 A. Yes .

13:25:29 1 Q. Now, we talked a little bit about,  
13:25:37 2 you know, that you went to the dump when you  
13:25:39 3 were between -- I think you used the period of  
13:25:44 4 time ages ten to fifteen. Did you --

13:25:46 5 A. I was there prior to that, but,  
13:25:48 6 you know, it was just to go up with my mother.

13:25:51 7 Q. Why would you go up with your mom  
13:25:54 8 to the dump?

13:25:55 9 A. My mother probably wanted some  
13:25:59 10 money from my father.

13:26:00 11 Q. Good reason. So you occasionally  
13:26:04 12 went to the dump when you were even younger  
13:26:06 13 than ten?

13:26:07 14 A. Right. It wasn't a black secret.  
13:26:11 15 We weren't ashamed of what my father did.

13:26:13 16 Q. Nor should you have been. Now,  
13:26:16 17 when you started -- I guess you called it --  
13:26:21 18 you didn't use the word scavenging, between ten  
13:26:25 19 and fifteen --

13:26:25 20 A. Scavenging, treasure hunting, just  
13:26:27 21 looking. You know, something I wanted, a toy,  
13:26:30 22 it was mine.

13:26:30 23 Q. What sort of frequency, if you can  
13:26:33 24 estimate, did you go to the dump during that  
13:26:35 25 period of time, ten to fifteen?

13:26:37 1 A. I don't know . Once a month maybe .

13:26:41 2 I don't know .

13:26:42 3 Q. On the weekends ?

13:26:43 4 A. I guess maybe a weekend or , you

13:26:47 5 know , during the summer , you didn't have school

13:26:50 6 so you'd go any time you wanted . But it wasn't

13:26:53 7 a daily thing .

13:26:54 8 Q. Sure . After school ?

13:26:54 9 A. No.

13:27:02 10 Q. Now , did you gain any

13:27:04 11 understanding as to what businesses or

13:27:06 12 factories were sending waste to the dump during

13:27:10 13 that period of time ?

13:27:11 14 A. During those early years ?

13:27:14 15 Q. Yeah .

13:27:16 16 A. Not -- not a whole lot .

13:27:20 17 Q. Tell me what you remember .

13:27:28 18 A. As far as who came ?

13:27:29 19 Q. Yeah.

13:27:29 20 A. I couldn't really -- you know ,

13:27:31 21 prior to me actually being there , I couldn't --

13:27:33 22 I couldn't name any . You know , Dayton Power

13:27:37 23 and Light . I always know those trucks .

13:27:39 24 Q. Other than -- so Dayton Power and

13:27:44 25 Light is one company you remember from the days

13:27:46 1 you were going there between the ages of ten  
13:27:48 2 and fifteen ?

13:27:49 3 A. Probably .

13:27:50 4 Q. You said you always knew their  
13:27:56 5 trucks . What did you see ?

13:27:57 6 A. They didn't have big trucks . They  
13:28:00 7 have smaller dump trucks .

13:28:02 8 Q. Do you know where those dump  
13:28:03 9 trucks came from ?

13:28:04 10 A. There was a service center right  
13:28:07 11 across the street from the dump so that's where  
13:28:10 12 they were based. So each -- each night --  
13:28:12 13 well , I imagine they did that -- but each night  
13:28:17 14 whenever they came back from where they were  
13:28:19 15 working , they would bring the dirt or debris ,  
13:28:21 16 whatever they had , and they would dump it and  
13:28:24 17 then they would take the trucks across --  
13:28:28 18 across into their facility and then it would be  
13:28:33 19 empty for the following morning .

13:28:35 20 Q. So the dump trucks would come from  
13:28:38 21 DP&L at night ?

13:28:39 22 A. In the afternoons mainly .

13:28:40 23 Q. Not night , but you're talking  
13:28:44 24 afternoons now ?

13:28:44 25 A. Yeah . My father closed the dump



13:28:47 1 at about 4:30 in the after noon.

13:28:50 2 Q. Okay . So it would be late in the  
13:28:53 3 day , prior to 4:30 ?

13:28:54 4 A. Right .

13:28:55 5 Q. You saw the DP&L dump trucks come  
13:28:59 6 into the dump with materials ?

13:29:01 7 A. Right .

13:29:01 8 Q. And this was a period of time when  
13:29:04 9 you were between ten and fifteen ?

13:29:06 10 A. Right .

13:29:07 11 Q. Do you remember any drivers who  
13:29:11 12 drove for DP&L ?

13:29:12 13 A. Not by -- not by name except for ,  
13:29:15 14 you know , the one that you told me about that I  
13:29:18 15 forgot his name but brought the fly ash from  
13:29:22 16 the stem generating plant here in town .

13:29:25 17 Q. Do you remember what name that  
13:29:26 18 was ?

13:29:26 19 A. No . I forgot it already .

13:29:28 20 Q. Okay . And now -- and you said  
13:29:36 21 that these dump trucks -- did you say that  
13:29:39 22 these dump trucks came from the DP&L service  
13:29:43 23 center or service station across the road ?

13:29:48 24 A. That's where they were based .

13:29:51 25 Q. How do you know they were based

13:29:52 1 there?

13:29:53 2 A. Well , when you see them come in  
13:29:55 3 and out of the same facility and there's the  
13:29:58 4 trucks , you would assume that they're based  
13:30:01 5 there .

13:30:01 6 Q. Uh-huh. Did you see them coming  
13:30:04 7 out of the -- coming in and out of the --

13:30:05 8 A. They would leave in the mornings .  
13:30:07 9 They'd come back, they would empty out at the  
13:30:10 10 dump , and then they would go across the street  
13:30:12 11 into their entrance . It's plain as day .

13:30:15 12 Q. Any other companies , businesses ,  
13:30:18 13 or factories you remember --

13:30:20 14 A. At those early years , no .

13:30:22 15 Q. It's important that you -- for the  
13:30:26 16 record , to get on the record clearly that you  
13:30:28 17 let me finish my question all the way to the  
13:30:30 18 end .

13:30:31 19 A. Okay .

13:30:31 20 Q. Then you answer and then I wait .  
13:30:33 21 Otherwise , she's not going to be able to get  
13:30:37 22 everything down .

13:30:37 23 A. Okay.

13:30:38 24 Q. So you don't remember other  
13:30:40 25 companies or factories or businesses from the

13:30:42 1 days when you were going to the dump between  
13:30:46 2 ages ten and fifteen ?

13:30:47 3 A. No, because they were no concern  
13:30:49 4 of mine . That's not why I was there .

13:30:51 5 Q. I understand . Now, did you go to  
13:30:58 6 the dump at all between the ages of fifteen and  
13:31:05 7 when you -- until you got married ?

13:31:08 8 A. Sporadically .

13:31:11 9 Q. And what would be the occasions  
13:31:13 10 for you going to the dump during that period of  
13:31:16 11 time ?

13:31:16 12 A. I -- I couldn't tell you . I don't  
13:31:19 13 know . Maybe to get a car part from the  
13:31:26 14 junkyard next door . Maybe to -- there for a  
13:31:38 15 while , I was hammering heads out of steel drums  
13:31:42 16 for a quarter apiece . I did that for a short  
13:31:45 17 while . But other than that , I don't know .

13:31:50 18 Q. Okay . So let's take them one at a  
13:31:54 19 time . You mentioned getting car parts from a  
13:31:57 20 junkyard . Do you know the name Doyle's ?

13:32:06 21 A. Right .

13:32:07 22 Q. What was Doyle's ?

13:32:08 23 A. Doyle's was an auto recycler , an  
13:32:12 24 auto junkyard .

13:32:13 25 Q. And where was Doyle's located in

13:32:17 1 general ?

13:32:17 2 A. It was basically the same property  
13:32:20 3 as what the dump was on, but it was already on  
13:32:23 4 land that had been filled by the dump.

13:32:25 5 Q. Uh-huh . Was Doyle's -- do you  
13:32:30 6 know when Doyle's started operating at that  
13:32:34 7 location ?

13:32:37 8 A. No. I don't know . '60s,  
13:32:39 9 somewhere .

13:32:40 10 Q. And do you know whether your dad  
13:32:46 11 leased property to Doyle's ?

13:32:50 12 A. No. My Uncle Cyril and Horace  
13:32:53 13 Boesch would have charged him.

13:32:55 14 Q. The owners leased property to  
13:33:01 15 Doyle ?

13:33:01 16 A. Right , because they also owned all  
13:33:03 17 the building fronting Springboro Pike or South  
13:33:09 18 Broad way , whichever way you want to call it.

13:33:09 19 Q. Do you know the name of a road ,  
13:33:12 20 Dryden Road ?

13:33:12 21 A. Right .

13:33:13 22 Q. Is Dryden Road the same as  
13:33:16 23 Springboro Pike?

13:33:17 24 A. It is now .

13:33:18 25 Q. But wasn't then?

13:33:21 1 A. No .

13:33:21 2 Q. And Broadway , is that the same as  
13:33:25 3 Dryden and Springboro Pike?

13:33:26 4 A. It was then . I don't think it's  
13:33:31 5 known -- known as Broadway now.

13:33:32 6 Q. Now known as Dryden ?

13:33:34 7 A. Now known as Dryden. Right .

13:33:34 8 Q. And the building s that front  
13:33:37 9 Dryden , you were just referring to in relation  
13:33:39 10 to Doyle's?

13:33:39 11 A. Which would have been Springboro  
13:33:39 12 Pike or South Broadway .

13:33:39 13 Q. At that time.

13:33:42 14 A. At that time.

13:33:42 15 Q. And was Doyle's right along the --

13:33:47 16 A. It was set back probably three ,  
13:33:49 17 four hundred feet .

13:33:50 18 Q. Behind the buildings along --

13:33:52 19 A. To the west -- to the west of the  
13:33:55 20 other Broadway .

13:33:55 21 Q. Okay . Let's try to do it one at a  
13:33:58 22 time again .

13:34:00 23 A. Okay .

13:34:00 24 Q. We're doing pretty good . So you  
13:34:03 25 occasionally picked up a car part or two from

13:34:08 1 Doyle's ?

13:34:08 2 A. I would say so .

13:34:10 3 Q. This was maybe during your later  
13:34:12 4 teen years ?

13:34:13 5 A. Yeah .

13:34:14 6 Q. Okay . And did anyone else do that  
13:34:18 7 in your family ?

13:34:19 8 A. My cousin Eddie . Edward Grillot .

13:34:22 9 Q. Anyone else ?

13:34:27 10 A. No. We were the main culprits .

13:34:28 11 Q. What did you use the car parts  
13:34:30 12 for ?

13:34:31 13 A. We both had Mustangs .

13:34:34 14 Q. Okay . So you needed some parts  
13:34:39 15 for your car ?

13:34:40 16 A. Well , we -- yeah .

13:34:42 17 Q. What were you going to say ?

13:34:44 18 A. We were trying to put a console in  
13:34:50 19 the Mustang and we had to -- trial and error .

13:34:53 20 We had to take quite a few consoles out of  
13:34:56 21 T-birds .

13:34:57 22 Q. T-birds that were on Doyle 's  
13:34:59 23 yards ?

13:35:00 24 A. Right .

13:35:00 25 Q. Did you have an understanding of

13:35:02 1 where Doyle got its automobiles ?

13:35:04 2 A. I know he had a lot of tows from  
13:35:07 3 the City of Dayton that were abandoned vehicles  
13:35:11 4 or tows.

13:35:12 5 Q. How do you know that ?

13:35:13 6 A. Well , it was just common  
13:35:17 7 knowledge . And then you could tell a tow -- or  
13:35:21 8 an abandoned vehicle because they would write  
13:35:24 9 on -- not chalk, but grease pencil , ABV, which  
13:35:29 10 is abandoned vehicle , and then they would put a  
13:35:33 11 date .

13:35:33 12 Q. And what would the date refer to ?

13:35:36 13 A. The date that it was picked up.  
13:35:38 14 I'm sure there was a time frame that he would  
13:35:41 15 store the vehicle , and then after such and such  
13:35:44 16 day , thirty days , sixty days , ninety days , the  
13:35:48 17 vehicle would be his .

13:35:50 18 Q. He being Doyle ?

13:35:51 19 A. Right .

13:35:51 20 Q. So were there any other reasons  
13:35:59 21 that you visited the site during the period of  
13:36:02 22 age fifteen until you got married ?

13:36:04 23 A. I'm sure there was , but could I  
13:36:08 24 tell you , no .

13:36:09 25 Q. Then you got married . Then you

13:36:15 1 said the following spring of 1971 , spring or so  
13:36:21 2 of 1971 , you began to work for your dad ?

13:36:23 3 A. Right .

13:36:24 4 Q. And you had testified earlier that  
13:36:28 5 you were helping him pour concrete for the air  
13:36:32 6 curtain destructor .

13:36:33 7 A. Right .

13:36:34 8 Q. Do you have an understanding of  
13:36:36 9 why your dad built -- or participated in  
13:36:39 10 building the air curtain destructor ?

13:36:43 11 A. To make money .

13:36:44 12 Q. Okay . That's a good reason . Did  
13:36:53 13 he go into the business of building the air  
13:36:57 14 curtain destructor by himself ?

13:36:59 15 A. At first I think it was and then  
13:37:02 16 he went into a partnership with the two , Bob  
13:37:07 17 and Howard Aldrich and Larry Brandon , who  
13:37:12 18 operated Container Service .

13:37:14 19 Q. What was Container Service ?

13:37:16 20 A. Container Service was a trash  
13:37:19 21 hauler , industrial trash hauler . And by  
13:37:23 22 doing -- doing that , then he had steady flow of  
13:37:30 23 recyclable cardboard coming in and then  
13:37:33 24 recyclable pallets .

13:37:39 25 Q. Do you know when the -- why do you



13:37:42 1 think there was a partnership between your  
13:37:47 2 dad, Alcine --

13:37:47 3 A. Because they put money in it.

13:37:51 4 Q. Let me finish my question first .

13:37:53 5 Why do you say there was a partnership between  
13:37:56 6 your dad, Alcine , and Mr. Brandon and two of  
13:38:00 7 the Mr. Aldriches ?

13:38:01 8 A. Again , they put money into it .

13:38:03 9 Q. How do you know that they put  
13:38:05 10 money into it ?

13:38:06 11 A. Did I see money cross hands , no .  
13:38:09 12 Do I know they put money into it , yes .

13:38:12 13 Q. Okay . All right . And what --  
13:38:18 14 tell me about who designed the air curtain  
13:38:22 15 destructor ?

13:38:23 16 A. I believe it was -- boy , I  
13:38:37 17 can't -- there was a company on the east side  
13:38:39 18 of Dayton , and I can't remember if the name was  
13:38:45 19 Plibrico . I can't -- I can't remember . But  
13:38:48 20 they're the one that designed the pit and how  
13:38:53 21 to build it .

13:38:54 22 Q. Uh-huh . Why don't you describe  
13:38:56 23 the pit that you just mentioned .

13:38:59 24 A. The pit was -- there was  
13:39:03 25 concrete -- concrete pad coming up to it . The

13:39:07 1 pit was -- the walls were -- I don't know --  
13:39:11 2 twelve , fifteen inches thick . They were poured  
13:39:14 3 with like a fireproof concrete . Then they were  
13:39:18 4 covered with another layer of something that  
13:39:20 5 was fireproof . Then they were pinned with  
13:39:23 6 stainless rods to hold the outer layer , which  
13:39:27 7 was like a -- it was not a fire brick , but it  
13:39:30 8 was a pourable -- pourable something that this  
13:39:35 9 company that , I guess , built blast furnaces  
13:39:39 10 for -- you know , I don't know . I'm just  
13:39:41 11 assuming .

13:39:42 12                   And then looking at it on the wall  
13:39:47 13 that you would feed pallets into it or whatever  
13:39:49 14 you're burning , on the fire wall , there were  
13:39:55 15 flutes coming through . What I'm talking about is  
13:39:56 16 like a -- if I could describe it , it's like a  
13:40:03 17 crevice tool on your vacuum cleaner . They were  
13:40:06 18 shaped -- I don't know -- three inches tall ,  
13:40:09 19 eight , ten inches wide , and they were angled  
13:40:13 20 through the wall so that they were poured by two  
13:40:18 21 forty horsepower electric motors . So it really  
13:40:19 22 threw out some air . The air would come out  
13:40:22 23 through the flutes , they would hit one wall ,  
13:40:26 24 bounce back again , hit the other wall , and then  
13:40:29 25 into whatever is burning , which would keep the

13:40:32 1 fire churning and churning and the air churning  
13:40:35 2 and churning and basically give off no smoke .

13:40:39 3 Q. Well, I don't understand how it  
13:40:40 4 gave off no smoke . Tell me about that .

13:40:44 5 A. Because you kept the fire burning  
13:40:46 6 at such a -- don't ask me the technicals , but  
13:40:50 7 the fire burned at such -- such temperature .  
13:40:55 8 Why it happened , I don't know . But if I  
13:40:57 9 turned -- at the end of the day , if I turned  
13:41:00 10 the blowers off before it had burned down , it  
13:41:04 11 would smoke . If I turned -- if I left the  
13:41:08 12 blowers on and let it burn down to coals , then  
13:41:12 13 you turned the blowers off and you would just  
13:41:16 14 see heat .

13:41:16 15 Q. So you actually operated the air  
13:41:21 16 curtain destructor ?

13:41:22 17 A. Right .

13:41:23 18 Q. During what period of time did you  
13:41:25 19 operate it?

13:41:25 20 A. Whenever it started , probably fall  
13:41:28 21 of -- I don't -- up until '73 . Maybe fall of  
13:41:43 22 '73 .

13:41:43 23 Q. That's when you discontinued  
13:41:46 24 operating the air curtain destructor ? Is that  
13:41:49 25 it, September of 1973 ?

13:41:52 1 A. Yeah .

13:41:52 2 Q. And you began , did you say , in the  
13:41:56 3 fall , was that the fall of 1971 ?

13:41:58 4 A. Yeah .

13:41:59 5 Q. Approximately ?

13:42:00 6 A. I'm thinking . Yeah .

13:42:03 7 Q. Okay . Go ahead .

13:42:05 8 A. You know , you're going back forty  
13:42:09 9 years . Sometimes I can't remember what I did  
13:42:13 10 yesterday , but --

13:42:19 11 Q. We're just asking for your best  
13:42:21 12 recall .

13:42:22 13 A. I was married in '70 . '71 --  
13:42:25 14 yeah . Somehow -- that's basically right .

13:42:28 15 Q. Sometime in 1971 , you began  
13:42:30 16 operating the air curtain destructor ?

13:42:32 17 A. Right .

13:42:33 18 Q. And you mentioned September , 1973  
13:42:36 19 is when you discontinued operating it?

13:42:40 20 A. Somewhere in that range .

13:42:41 21 Q. Tell me why you stopped .

13:42:48 22 A. My father was a good man , but  
13:42:51 23 he -- he had his -- he had his ways of what he  
13:42:55 24 thought you would be doing and I had my ways of  
13:43:02 25 what I thought I should be doing and finally

13:43:05 1 the ways had to part .

13:43:06 2 Q. I got it. Twenty-three years old  
13:43:09 3 at the time , right?

13:43:10 4 A. Right .

13:43:10 5 Q. So what did you do next ?

13:43:12 6 A. Then I went to sell insurance ,  
13:43:14 7 life insurance .

13:43:15 8 Q. And how long did you do that ?

13:43:20 9 A. I did that for five -- about five  
13:43:23 10 and a half years .

13:43:24 11 Q. And who did you work for?

13:43:25 12 A. Western & Southern Life Insurance.

13:43:28 13 Q. In Dayton ?

13:43:29 14 A. In the Dayton office .

13:43:31 15 Q. And just so we get the -- what  
13:43:36 16 happened after working for Western & Southern .  
13:43:39 17 What did you do after that ?

13:43:40 18 A. Then I kind of part nered up with  
13:43:42 19 my cousin Edward , and he did like home  
13:43:48 20 remodeling , some small construction .

13:43:52 21 Q. Ed Grillot ?

13:43:53 22 A. Right .

13:43:53 23 Q. How long did you work with Ed,  
13:43:56 24 partner up with Ed?

13:43:57 25 A. From like May up until about

13:44:01 1 September .

13:44:01 2 Q. Of what year ?

13:44:03 3 A. '79 .

13:44:06 4 Q. And what did you do after that ?

13:44:08 5 A. Then I went to work for Coca-Cola .

13:44:15 6 Q. And how long did you work for

13:44:17 7 Coca-Cola ?

13:44:18 8 A. Until 1992 .

13:44:19 9 Q. What did you do for Coca-Cola ?

13:44:22 10 A. I worked in the warehouse . Then I

13:44:24 11 worked in the bottling . Then I worked on the

13:44:27 12 truck delivering .

13:44:29 13 Q. Delivering ?

13:44:30 14 A. Coca-Cola .

13:44:32 15 Q. And was this the Coca-Cola

13:44:36 16 Bottling Company in Dayton ?

13:44:37 17 A. In Dayton .

13:44:37 18 Q. And just so we bring you up to

13:44:39 19 date , what have you done since 1992 , since you

13:44:43 20 left Coca-Cola ?

13:44:45 21 A. '92 to '94 , I drove a semi over

13:44:48 22 the road .

13:44:49 23 Q. Who was your employer ?

13:44:52 24 A. Continental Express.

13:44:53 25 Q. Keep going after that .

13:45:00 1 A. '94 till 2006 , I drove for Conway  
13:45:09 2 Centralist Express , which is now know n as  
13:45:11 3 Conway Freight.

13:45:13 4 Q. A semi ?

13:45:14 5 A. Semis . They pull two trailers  
13:45:17 6 instead of one .

13:45:18 7 Q. Okay . And since '06 ?

13:45:21 8 A. Then 2007 , I started at UPS .

13:45:24 9 Q. And are you still there?

13:45:26 10 A. Yes .

13:45:26 11 Q. All right . Let 's go back . You  
13:45:32 12 mentioned that during the period of time  
13:45:38 13 between fifteen and when you got married , you  
13:45:40 14 mentioned getting car parts from Doyle . But  
13:45:44 15 you also said something about -- I'm having  
13:45:54 16 difficulty reading what I wrote here -- getting  
13:45:57 17 a quarter to take off the tops of steel drums .  
13:46:01 18 Did I get that right ?

13:46:03 19 A. Right .

13:46:03 20 Q. Yeah . Tell me about that .

13:46:05 21 A. You would take a chisel and a good  
13:46:09 22 weighted hammer and you would chisel -- hold  
13:46:12 23 the chisel at an angle and you would -- it was  
13:46:18 24 like basically opening up a can of beans at  
13:46:21 25 home with a small chisel , only but you're

13:46:25 1 opening up a fifty-five gallon drum .

13:46:29 2 Q. And this was at the South Dayton

13:46:31 3 Dump ?

13:46:31 4 A. Right .

13:46:32 5 Q. And you were doing this for your

13:46:34 6 father ?

13:46:34 7 A. Right .

13:46:35 8 Q. And he would pay you a quarter per

13:46:37 9 drum ?

13:46:37 10 A. Right .

13:46:37 11 Q. Why did he have you opening up the

13:46:40 12 fifty-five gallon drums ?

13:46:42 13 A. There was a company that would

13:46:44 14 come in and buy the open top drums and they

13:46:48 15 would use them on construction sites , paint

13:46:51 16 them orange , put whatever on them .

13:46:53 17 Q. What company was that ?

13:46:54 18 A. I couldn't tell you .

13:46:56 19 Q. Do you know the name Dayton

13:47:01 20 Industrial D rum?

13:47:01 21 A. It possibly was them , but I think

13:47:03 22 they cleaned drums and resold them . So I

13:47:07 23 don't -- I don't know if they were the ones

13:47:10 24 that bought the open top drums . I think it was

13:47:13 25 just a construction company that would come in



13:47:16 1 and get them .

13:47:17 2 Q. Do you know the name Lammers

13:47:20 3 Barrel ?

13:47:20 4 A. I remember that name , but I don't

13:47:23 5 remember any dealings with them . The first

13:47:27 6 name you mentioned , I do -- I do remember .

13:47:30 7 Q. You do remember some dealing with

13:47:35 8 Dayton Industrial Drum from the South Dayton

13:47:39 9 Dump ?

13:47:39 10 A. Not myself personally , but that

13:47:42 11 name just rings a bell with me .

13:47:43 12 Q. And Lammers is a name you know --

13:47:45 13 A. Right .

13:47:45 14 Q. -- but you don't connect it to

13:47:48 15 South Dayton Dump ?

13:47:49 16 A. I don't think so .

13:47:50 17 Q. Where did the steel drums -- well ,

13:47:54 18 let me ask this . Did any of your other

13:47:57 19 relatives also use a hammer and chisel to take

13:48:01 20 off the tops of steel drums at South Dayton

13:48:06 21 Dump ?

13:48:06 22 A. My cousin Edward did , but he

13:48:09 23 didn't have the -- he couldn't stay focused

13:48:13 24 long enough to actually make any money .

13:48:15 25 Q. At a quarter at a time ?

13:48:17 1 A. Right .

13:48:17 2 Q. Okay . What about Mike Wendling ?

13:48:17 3 A. No.

13:48:22 4 Q. Were you able to make some money  
13:48:24 5 doing this ?

13:48:24 6 A. Oh, you know , a little bit . How  
13:48:27 7 much , I don't know . I blew it .

13:48:29 8 Q. So what -- when would you do this ?  
13:48:35 9 Was this something you did during the week  
13:48:38 10 days , weekends ?

13:48:39 11 A. It would be something I would do  
13:48:41 12 on a Saturday most likely .

13:48:43 13 Q. You'd come to the dump and make a  
13:48:46 14 few quarters on a Saturday ?

13:48:47 15 A. Yeah .

13:48:48 16 Q. On an average day , how many drums  
13:48:51 17 could you open ?

13:48:52 18 A. I don't know . Twenty ,  
13:48:55 19 twenty-five . By that time , your hands are wore  
13:48:57 20 out .

13:48:58 21 Q. Where did the drums come from ? If  
13:49:01 22 you know .

13:49:02 23 A. Do I -- do I know exactly , no .

13:49:04 24 Q. Well, tell me what you do know  
13:49:08 25 about where they came from ?

13:49:10 1 A. I couldn't tell you. You know ,  
13:49:12 2 possibly Delco Moraine , possibly Frigidaire . I  
13:49:16 3 don't know .

13:49:16 4 Q. Uh-huh . What makes you think of  
13:49:19 5 those names ?

13:49:20 6 A. Because they dumped there .

13:49:22 7 Q. The drums that you opened , were  
13:49:40 8 they sometimes full ?

13:49:41 9 A. Yes .

13:49:42 10 Q. What did you do with the contents ?

13:49:45 11 A. We drained them .

13:49:46 12 Q. What does that mean ? What do you  
13:49:48 13 mean by draining them ?

13:49:49 14 A. You opened the bung , which is the  
13:49:52 15 cap on it , and you flipped it over on its side  
13:49:55 16 and you drained it out .

13:49:56 17 Q. Was this right at the dump ?

13:49:57 18 A. Right .

13:49:58 19 Q. Any particular location where the  
13:50:01 20 draining occurred ?

13:50:01 21 A. Where it lays , it stays .

13:50:04 22 Q. So you'd drain the drums where you  
13:50:07 23 found them at the site ?

13:50:08 24 A. Right .

13:50:09 25 Q. Was there a particular place where

13:50:11 1 drums were --

13:50:12 2 A. Where my dad told them to dump  
13:50:15 3 that , that's where they laid .

13:50:17 4 Q. Was that more than one location or  
13:50:19 5 was there a particular location where drums  
13:50:21 6 were dumped ?

13:50:22 7 A. It would have migrated along with  
13:50:28 8 the fill.

13:50:28 9 Q. So it could have been in several  
13:50:30 10 different --

13:50:30 11 A. Yeah . It could have started here .  
13:50:32 12 The next month , it could have been halfway  
13:50:35 13 across the table . Two months , it could have  
13:50:38 14 been where you are sitting . As the fill moved  
13:50:41 15 and increased the size of that -- that plane of  
13:50:45 16 dirt at that grade , then that's where the  
13:50:48 17 dump -- you know , your dumping zone would  
13:50:52 18 migrate along with it .

13:50:52 19 (Thereupon, D. Grillot Exhibit Number  
13:51:47 20 1 was marked for purposes of identification.)

13:51:47 21 Q. Okay . We're going to place in  
13:51:49 22 front of you what we're marking as David  
13:51:52 23 Grillot Number 1.

13:52:00 24 MR. EDDY: Just for the record , if I  
13:52:01 25 might , if it's going to be marked , can we

13:52:04 1 distinguish between David and Edward on the  
13:52:07 2 exhibit stickers ?

13:52:08 3 MR. SILVER: Yeah . I just mentioned  
13:52:09 4 that to the Court reporter . Good suggestion .

13:52:13 5 Q. All right . This purports to be a  
13:52:16 6 1968 aerial photograph of the South Dayton Dump  
13:52:23 7 & landfill site , part of the remedial  
13:52:29 8 investigation report . I'm going to have you ,  
13:52:31 9 David , take a look at it and let me know if you  
13:52:35 10 recognize what's depicted on the exhibit .

13:52:40 11 A. As far as what ?

13:52:41 12 Q. What -- what -- do you recognize  
13:52:43 13 what you're looking at in general ?

13:52:46 14 A. Looking at an aerial view of that  
13:52:49 15 north end of Moraine that encompasses the  
13:52:53 16 land fill and Dayton -- DP&L and asphalt plant  
13:53:02 17 and junkyard .

13:53:03 18 Q. All right . And -- well , let's  
13:53:06 19 start with you mentioned a dump . Is that a  
13:53:10 20 dump that we've been talking about today ?

13:53:12 21 A. Correct .

13:53:13 22 Q. Which one is that just for the  
13:53:16 23 record ?

13:53:16 24 A. South Dayton Dump & Landfill.

13:53:18 25 Q. You just mentioned an asphalt

13:53:20 1 plant . Where are you looking at?

13:53:22 2 A. Where am I looking at?

13:53:25 3 Q. Yeah . We haven't talked about an  
13:53:28 4 asphalt plant yet today so tell me what you're  
13:53:30 5 referring to .

13:53:31 6 A. Well, I don't know if you have  
13:53:32 7 pictures. It's right underneath 4054 , whatever  
13:53:35 8 that numeric means . It's on the north end of  
13:53:42 9 the property . I don't know if that -- that was  
13:53:44 10 landfill area prior -- prior to my father  
13:53:47 11 getting it. I don't know how far that landfill  
13:53:49 12 went , but I know it went up that way towards  
13:53:52 13 the river .

13:53:52 14 Q. All right . Do you know the name  
13:53:54 15 of that asphalt plant ?

13:53:56 16 A. I just said Valley.

13:53:57 17 Q. Valley Asphalt?

13:53:59 18 A. Right .

13:53:59 19 Q. You mentioned a junkyard ?

13:54:01 20 A. A junkyard in between the dump and  
13:54:06 21 the landfill was Doyle's Auto P arts.

13:54:08 22 Q. That's what we talked about  
13:54:10 23 earlier today ?

13:54:10 24 A. Right .

13:54:11 25 Q. All right . I'm going to give

13:54:14 1 you -- I don't know how well this is going to  
13:54:17 2 work . Try yellow . Why don't you draw in where  
13:54:20 3 Doyle's was and write in Doyle's .  
13:54:26 4 A. That's not going to work .  
13:54:27 5 Q. Let's go with blue .  
13:54:30 6 A. Do you have red ?  
13:54:34 7 Q. Yeah , we can try red . That might  
13:54:39 8 show better . All right . He's using a red pen .  
13:54:57 9 What did you write in there ?  
13:54:59 10 A. That's Doyle's building . That's  
13:55:03 11 the building he used .  
13:55:04 12 Q. And you wrote Doyle's on the  
13:55:06 13 building?  
13:55:06 14 A. Right . And then this area right  
13:55:09 15 in through here (indicating) that you can see  
13:55:10 16 how the cars are lined up , these are all  
13:55:14 17 vehicles .  
13:55:14 18 Q. Can you circle that area so we  
13:55:16 19 know what you're talking about ?  
13:55:18 20 A. (Witness complies with request.)  
13:55:21 21 Q. And just draw an arrow to it  
13:55:25 22 saying Doyle's .  
13:55:32 23 A. You're not going to see this .  
13:55:34 24 Q. Yeah . It's kind of hard . Let's  
13:55:39 25 mark another exhibit . Mark this as David

13:55:48 1 Grillot Exhibit Number 2.

13:55:48 2 (Thereupon, D. Grillot Exhibit Number  
13:56:17 3 2 was marked for purposes of identification.)

13:56:17 4 Q. David , we're going to place in  
13:56:18 5 front of you a second diagram marked as David  
13:56:21 6 Grillot Exhibit Number 2, which is a -- it's  
13:56:28 7 called parcel groupings stream line RS -- RSS  
13:56:34 8 for OU1, South Dayton Dump & Landfill site.

13:56:38 9 Take a look at this and let me know if that  
13:56:40 10 depicts the South Dayton Dump & Landfill site  
13:56:44 11 in your understanding ?

13:56:45 12 A. Basically .

13:56:45 13 (Thereupon, the Notary interrupted  
13:56:45 14 the proceedings.)

13:56:45 15 MR. COUGHLIN: This is Bill Coughlin.  
13:56:59 16 I'm trying to figure out what is Exhibit 2.

13:56:59 17 MR. SILVER: Bill , yeah , we did  
13:57:01 18 circulate it. It says Figure 1.3 on it . It's  
13:57:01 19 another CRA document.

13:57:12 20 MR. COUGHLIN: One way and floodplain  
13:57:13 21 map ?

13:57:14 22 MR. SILVER: Well, this one says  
13:57:15 23 parcel grouping stream line , RSS for OU1.

13:57:21 24 MR. McCALL: Bill , this is not one of  
13:57:24 25 the exhibits that was circulated prior to the



13:57:26 1 deposition .

13:57:28 2 MR. SILVER: My apologies for that .

13:57:29 3 But we're going to use it anyway since we don't  
13:57:32 4 have the other one .

13:57:33 5 Q. David , looking at this map , and  
13:57:43 6 the aerial from 1968 that you were looking at ,  
13:57:47 7 which is David Grillo Exhibit Number 1 , can  
13:57:51 8 you on Exhibit Number 2 identify where Doyle's  
13:57:55 9 auto yard was approximately ?

13:57:59 10 A. Well , Doyle's would -- what year  
13:58:12 11 is this from ?

13:58:14 12 Q. This is a 2006 document , I  
13:58:17 13 believe .

13:58:17 14 A. Well , then Doyle's is no longer  
13:58:21 15 there .

13:58:21 16 Q. Uh-huh . But I meant the location ,  
13:58:23 17 the approximate location where it was .

13:58:55 18 A. (Witness complies with request.)

13:58:55 19 Q. Let the record reflect that the  
13:58:57 20 witness , using a red pen , drew a circle in the  
13:59:01 21 middle of Doyle's . Is that where you  
13:59:04 22 understand approximately the Doyle's auto yard  
13:59:06 23 was ?

13:59:06 24 A. Correct .

13:59:06 25 Q. And you had visited that at times

13:59:11 1 between the ages of fifteen and --

13:59:14 2 A. Thirty .

13:59:16 3 Q. Fifteen and thirty . You continued  
13:59:19 4 to go there even at a later age ?

13:59:21 5 A. I plead the fifth .

13:59:24 6 Q. All right . Thirty would have been  
13:59:29 7 when , in 1980 ? Was Doyle's around as late as  
13:59:34 8 1980 ?

13:59:35 9 A. Yes .

13:59:35 10 Q. Do you know when Doyle's closed  
13:59:39 11 down ?

13:59:39 12 A. No .

13:59:40 13 Q. All right . Do you know where the  
14:00:02 14 entrance to the South Dayton Dump & Landfill  
14:00:05 15 was located ?

14:00:05 16 A. At this time ? On this map ?

14:00:08 17 Q. Well , let's start -- let's just  
14:00:10 18 talk about it before you look at maps . At any  
14:00:13 19 time , do you know where the entrance was  
14:00:16 20 located ?

14:00:16 21 A. The first entrance was located  
14:00:24 22 right across where Doyle's entrance was .

14:00:28 23 Q. And when you mentioned the first  
14:00:32 24 entrance , what period of time was the first  
14:00:35 25 entrance used ?

14:00:36 1 A. I don't know . Mid '50 s. Mid ,  
14:00:44 2 late '50 s till -- I don't know when . Ten  
14:00:57 3 years .

14:00:58 4 Q. Late '50 s, then for another ten  
14:01:04 5 years ?

14:01:04 6 A. Somewhere in that range . Then it  
14:01:09 7 was south . Then the entrance moved south .

14:01:12 8 Q. Uh-huh . Well , tell me , why don't  
14:01:14 9 you mark on Exhibit 2 , if you can , where the --  
14:01:18 10 what you called the first entrance was .

14:01:21 11 A. Well , this one here is not -- it  
14:01:24 12 has details ; but , you know , here was the first  
14:01:30 13 entrance (indicating).

14:01:31 14 Q. Let me give you another color .  
14:01:35 15 Let's see if you can do something in blue .  
14:01:38 16 We're looking at Exhibit 1 now .

14:01:41 17 A. (Witness complies with request.)  
14:01:53 18 And that's -- now whether or not before my --  
14:01:57 19 before I can remember there was a more  
14:02:02 20 northerly entrance before that , I don't know .  
14:02:05 21 That's the only entrance I know .

14:02:07 22 Q. Well, let's just start with what  
14:02:09 23 you just marked on Exhibit 1 . What did you  
14:02:12 24 just mark ? What did you write ?

14:02:14 25 A. This building here is the dump

14:02:21 1 office (indicating) . This here is the dump  
14:02:22 2 entrance (indicating) . And this was -- is  
14:02:26 3 South Broad way (indicating) .

14:02:27 4 Q. So you marked the words dump  
14:02:29 5 entrance , right --

14:02:31 6 A. Correct .

14:02:32 7 Q. -- on Exhibit 1?

14:02:33 8 A. That's where the first one was .  
14:02:36 9 But this picture is taken after the dump  
14:02:39 10 entrance was moved . This is the second dump  
14:02:43 11 entrance coming in this way (indicating).

14:02:45 12 Q. Why don't you mark that as the  
14:02:47 13 second entrance on Exhibit 1 ?

14:02:51 14 A. (Witness complies with request.)

14:02:55 15 Q. What did you write there ? Just  
14:02:57 16 say out loud what you wrote .

14:02:59 17 A. Second enter or second entrance .

14:03:02 18 Q. While we're at it, you had  
14:03:03 19 mentioned the DP&L service center or building .

14:03:09 20 A. Right there (indicating) .

14:03:10 21 Q. Can you mark where you believe the  
14:03:12 22 DP&L service building was ?

14:03:15 23 A. (Witness complies with request.)

14:03:16 24 Q. And you marked what ?

14:03:17 25 A. DP&L .

14:03:19 1 Q. On Exhibit 1, right ?

14:03:21 2 A. Correct .

14:03:22 3 Q. So -- so you mentioned that you  
14:03:27 4 think even before the first entrance , that you  
14:03:30 5 think there was an entrance north of the -- of  
14:03:33 6 the first entrance ?

14:03:34 7 A. Years ago . Yes . It had to be .

14:03:36 8 Q. What do you know about that ?

14:03:37 9 A. Nothing .

14:03:38 10 Q. You heard about that ?

14:03:39 11 A. That's before -- before my brain .

14:03:41 12 Q. Before you -- before you were  
14:03:43 13 visiting the site ?

14:03:44 14 A. Yeah .

14:03:45 15 Q. You heard about it ?

14:03:47 16 A. Uh-huh .

14:03:49 17 Q. Did you hear about that entrance ?

14:03:49 18 A. No.

14:03:54 19 Q. Logically , you think there was  
14:03:56 20 one ; is that it ?

14:03:57 21 A. Had to be . Yeah.

14:03:59 22 Q. Why ?

14:04:00 23 A. Because there was building s built .  
14:04:04 24 Those buildings weren't built prior to 19 -- I  
14:04:08 25 don't know when the buildings were built .

14:04:11 1 There was a prior landfill before my dad took  
14:04:14 2 that landfill . And I know that landfill  
14:04:17 3 operated in the '40s . I don't know where it  
14:04:21 4 started . I don't know when -- exactly when my  
14:04:24 5 dad took over , but it was somewhere around '50 .

14:04:29 6 Q. And you made reference to the  
14:04:32 7 buildings built .

14:04:35 8 A. Horace Boesch and my Uncle Cyril  
14:04:37 9 built all those concrete building , those block  
14:04:40 10 buildings along whichever way you want to call  
14:04:43 11 it , Springboro Pike , South Dryden .

14:04:48 12 Q. And how does that relate to where  
14:04:51 13 the entrances were ?

14:04:52 14 A. What , the buildings ?

14:04:54 15 Q. Yeah , you --

14:04:54 16 A. It has no relation to the entrance  
14:04:57 17 at all . The entrance is -- if you have a  
14:05:00 18 facility that is in line with two of the  
14:05:03 19 buildings that has access , you're not going to  
14:05:06 20 move your entrance south a quarter mile .  
14:05:09 21 You're going to have your entrances close to  
14:05:14 22 your working -- your working region . Say the  
14:05:16 23 landfill is straight and in line with two  
14:05:19 24 buildings . You have access in and out of them .  
14:05:23 25 You're not going to move your entrance a

14:05:25 1 quarter mile south and have them come across

14:05:28 2 country to gain access to the landfill . You're

14:05:32 3 going to have everything -- your egress and

14:05:34 4 ingress is going to be as convenient for the

14:05:36 5 customer as well as you . Do you follow me?

14:05:39 6 Q. So you want the customer to go the

14:05:41 7 shortest distance from the entrance to the

14:05:45 8 dumping location ; is that it?

14:05:46 9 A. Right .

14:05:47 10 Q. You also say convenient for the

14:05:49 11 people at the dump .

14:05:51 12 A. You and the customer .

14:05:51 13 Q. And when you say for you , you mean

14:05:54 14 the people that work at the dump , you want it

14:05:56 15 to be convenient for them as well ?

14:05:57 16 A. Well , sure . Yeah . You don't --

14:06:00 17 then as -- as the fill takes place and you

14:06:05 18 brought that ground up to grade , then it

14:06:09 19 becomes time to move your office farther -- you

14:06:13 20 know , the landfill started from the north and

14:06:17 21 migrated to the south . So as you fill -- as

14:06:21 22 you fill -- what that looked like years and

14:06:25 23 years ago , I have no idea , but I know it was a

14:06:28 24 gravel pit . So as the land filled the grade

14:06:32 25 and it migrated -- you know , the fill migrated

14:06:36 1 south , then it becomes necessary to move your

14:06:38 2 entrance and your office along with your fill .

14:06:41 3 Q. Did the -- your dad -- your dad

14:06:49 4 was the -- you mentioned was the operator at

14:06:52 5 the dump ?

14:06:52 6 A. Correct .

14:06:52 7 Q. And what, his brother Kenny ?

14:06:54 8 A. Kenny .

14:06:55 9 Q. Did he work at the dump ?

14:06:56 10 A. Right .

14:06:57 11 Q. What was his role at the dump ?

14:06:59 12 A. He was like the gate keeper .

14:07:02 13 Q. He worked at the gate or worked --

14:07:06 14 where was -- was he stationed at a particular

14:07:10 15 place ?

14:07:10 16 A. We had an office that was open . A

14:07:12 17 trailer , mobile home . And that was the office .

14:07:15 18 Q. The office was located -- you

14:07:17 19 located the office on Exhibit 1 at the first

14:07:21 20 entrance . Did you write in office there?

14:07:24 21 A. Right .

14:07:24 22 Q. That's where Kenny worked ?

14:07:26 23 A. Right . First he worked in the --

14:07:30 24 there was a block building . Then this picture

14:07:33 25 here (indicating) -- I don't know exactly --



14:07:36 1 also shows where the office is , was secondary ,  
14:07:42 2 which is -- if I scribble on it , you'll not  
14:07:48 3 see , but I've circled . That was the office .

14:07:49 4 Q. You circled the office on Exhibit  
14:07:52 5 1 . That's where Kenny worked ?

14:07:54 6 A. Right . And then eventually , this  
14:07:57 7 office was moved south , more in line with this  
14:08:00 8 road here (indicating) , which probably came a  
14:08:02 9 hundred foot this way (indicating) .

14:08:04 10 Q. Was the building actually moved or  
14:08:06 11 was there --

14:08:06 12 A. There was a mobile home . They're  
14:08:09 13 on wheels .

14:08:09 14 Q. That's what you were calling near  
14:08:12 15 the first entrance ; is that right ?

14:08:13 16 A. Yep. With a block building .

14:08:15 17 Q. Near the first entrance ?

14:08:17 18 A. At the first entrance . The first  
14:08:19 19 entrance that I remember . That's about -- all  
14:08:22 20 these here (indicating) , structures here , these  
14:08:24 21 are block buildings .

14:08:25 22 Q. Okay .

14:08:27 23 A. Then this (indicating) was the  
14:08:28 24 first entrance that I remember . And then this  
14:08:30 25 (indicating) is the second entrance .

14:08:31 1 Q. All right . So let me ask you .  
14:08:36 2 You mentioned that it was important for Alcine  
14:08:39 3 and Kenny to be near where the land filling was  
14:08:45 4 occurring , to have -- for the entrance to be  
14:08:49 5 near where the land filling was occurring . Was  
14:08:51 6 that because they wanted to keep their eye on  
14:08:54 7 where land -- where the trucks went ?

14:08:56 8 A. Right .

14:08:56 9 Q. Explain that .

14:08:58 10 A. Well , if I told you come in and I  
14:09:00 11 say go down there to the left , you'll see a  
14:09:03 12 little road branch off to the right and I see  
14:09:06 13 you go down there and I'm glancing at you and  
14:09:08 14 you go opposite while I'm running after you to  
14:09:11 15 tell you not to dump that there .

14:09:14 16 Q. And the person running after you  
14:09:16 17 would be Kenny ?

14:09:17 18 A. Slowly .

14:09:18 19 Q. So it was particularly important  
14:09:22 20 for him to have his office near the land fill ,  
14:09:25 21 right ?

14:09:25 22 A. Right .

14:09:26 23 Q. Okay . I got it . How are you  
14:09:33 24 doing ?

14:09:33 25 A. Fine .

14:09:34 1 Q. Do you want to take a break , keep  
14:09:36 2 going ?

14:09:36 3 A. It doesn't matter to me .

14:09:37 4 Q. Okay . Do you know what a  
14:09:52 5 transformer is ?

14:09:52 6 A. Correct .

14:09:53 7 Q. What is a transformer ?

14:09:54 8 A. About yay big around (indicating)  
14:10:00 9 sometimes , maybe smaller , maybe larger . I  
14:10:02 10 don't know .

14:10:03 11 Q. You have to describe yay big in  
14:10:06 12 feet or inches or something ?

14:10:07 13 A. I don't know , fifteen inches  
14:10:10 14 across , eighteen inches across , bigger I'm  
14:10:16 15 sure , and they do something with the  
14:10:18 16 electricity . So other than that , that's what I  
14:10:21 17 know .

14:10:21 18 Q. Have you ever seen a transformer ?

14:10:23 19 A. Yes .

14:10:23 20 Q. Have you ever seen transformers at  
14:10:27 21 the South Dayton Dump & Landfill?

14:10:29 22 A. Yes .

14:10:30 23 Q. On what occasion did you have to  
14:10:31 24 see transformers ?

14:10:33 25 A. They would be laying on the

14:10:35 1 ground .

14:10:35 2 Q. What time period did you see  
14:10:41 3 transformers ?

14:10:42 4 A. I know late '60's. Don't know how  
14:10:50 5 far late -- how far after that .

14:10:52 6 Q. In the late '60s and perhaps  
14:10:55 7 after , is that what you -- is that your  
14:10:57 8 testimony ?

14:10:58 9 A. I -- time frame , I can't -- I  
14:11:03 10 can't pinpoint it because it wasn't of any  
14:11:08 11 consequence to me .

14:11:08 12 Q. Do you know where the transformers  
14:11:11 13 came from ?

14:11:12 14 A. They would have had to have come  
14:11:14 15 from DP&L .

14:11:15 16 Q. Why do you say that ?

14:11:17 17 A. Well , I've never had a transform er  
14:11:21 18 at my house . I've never known anybody else  
14:11:25 19 that had one . And so unless you're a utility ,  
14:11:29 20 you're not going to have one .

14:11:31 21 Q. Did the transformers have the name  
14:11:33 22 of a company on them ?

14:11:34 23 A. I couldn't tell you .

14:11:35 24 Q. Okay . Any other insignia on them  
14:11:39 25 that you know of ?

14:11:40 1 A. Couldn't tell you .

14:11:41 2 Q. Were the transformers used in any  
14:11:45 3 way at the site ?

14:11:46 4 A. By the -- by my father ?

14:11:50 5 Q. You tell me .

14:11:54 6 A. No . They were dumped .

14:11:55 7 Q. They were dumped . Did you see  
14:11:57 8 them getting dumped ?

14:11:58 9 A. Can I explicitly recall seeing one  
14:12:02 10 fall out of a truck , no .

14:12:04 11 Q. But you saw them on the ground ?

14:12:06 12 A. Right .

14:12:06 13 Q. Did your father do anything with  
14:12:08 14 them ?

14:12:08 15 A. He would recycle them .

14:12:10 16 Q. How did he do that ?

14:12:12 17 A. How he did it , I don't know . But  
14:12:15 18 I know if it -- he could get them apart and  
14:12:19 19 recycle them , the metals .

14:12:21 20 Q. He would pull the metals out in  
14:12:24 21 some way ?

14:12:24 22 A. Right .

14:12:26 23 Q. What kind of tools did he use for  
14:12:30 24 that ?

14:12:30 25 A. Big hammer .

14:12:31 1 Q. Did anyone else help him with  
14:12:35 2 recycling the transformers?

14:12:37 3 A. Probably . The other man that  
14:12:39 4 worked for my dad . His name was Bud Young .

14:12:41 5 Q. How long did Bud Young work for  
14:12:45 6 your dad ?

14:12:46 7 A. From the get-go . From '50 .

14:12:49 8 Q. From 1950 ?

14:12:50 9 A. Yeah , I think so . Or very close  
14:12:52 10 to that .

14:12:53 11 Q. Until when ?

14:12:53 12 A. Early '71 , '72 , '73 , somewhere in  
14:13:03 13 that --

14:13:04 14 Q. Was he still working there when  
14:13:06 15 you stopped working the air curtain destructor ?

14:13:08 16 A. Yeah .

14:13:09 17 Q. So did he continue to work even  
14:13:12 18 after that ?

14:13:12 19 A. For a while he did , yes .

14:13:14 20 Q. And he's no longer alive today ?

14:13:17 21 A. I don't think so .

14:13:19 22 Q. He helped your dad with recycling  
14:13:22 23 the transformers ?

14:13:23 24 A. I'm sure he did .

14:13:24 25 Q. Did the transformers that you saw

14:13:31 1 have any oil associated with them ?

14:13:35 2 A. Do I recall it , no .

14:13:36 3 Q. You don't know whether there was  
14:13:38 4 oil in them ?

14:13:39 5 A. Do I -- do I know that there was  
14:13:41 6 oil in them now ? Yes . Did I then , I don't  
14:13:47 7 know .

14:13:47 8 Q. Well , how do you know that there  
14:13:49 9 was oil in them now when you looked back ?

14:13:52 10 A. Because they've been in the news ,  
14:13:54 11 you know , with the PCBs and -- did I know about  
14:13:59 12 it then , no .

14:14:00 13 Q. You didn't know about PCB s ?

14:14:00 14 A. No .

14:14:04 15 Q. Did you know whether they were  
14:14:06 16 oil y ?

14:14:06 17 A. Do I recall it , no .

14:14:07 18 Q. Okay . But you do --

14:14:09 19 A. It wasn't a concern of mine .

14:14:11 20 Q. Did you see your dad working on  
14:14:15 21 these transform ers ?

14:14:16 22 A. I saw my dad tear open a lot of  
14:14:19 23 stuff .

14:14:19 24 Q. Uh-huh. Including transformers ?

14:14:21 25 A. I'm sure .

14:14:22 1 Q. And Mr. Young as well , did you see  
14:14:25 2 him working on transformers ?

14:14:26 3 A. Can I point out to a point in time  
14:14:30 4 when I saw him beating on one , no . Do I know  
14:14:34 5 it happened , yes .

14:14:35 6 Q. You said that your dad worked on a  
14:14:38 7 lot of --

14:14:39 8 A. If it came into the dump and it  
14:14:40 9 was recyclable , then it was recycled.

14:14:44 10 Q. You mean -- you're talking metals  
14:14:46 11 now ?

14:14:46 12 A. Metals . Yes .

14:14:47 13 Q. What other pieces of equipment or  
14:14:51 14 machinery do you recall your dad working on?

14:14:55 15 A. What do you mean working on?

14:14:59 16 Q. For recycling purposes .

14:15:00 17 A. If it came in , if it was  
14:15:04 18 recyclable , if it was dismantable , if it was  
14:15:07 19 loadable to take to a recycler , then it went  
14:15:11 20 out .

14:15:11 21 Q. Okay . Do you remember any  
14:15:14 22 specific pieces of equipment he worked on among  
14:15:16 23 the many ?

14:15:18 24 A. Well , it wasn't equipment , per se .  
14:15:21 25 You know , people didn't come in and dump a semi



14:15:25 1 trailer . They didn't dump a -- you know ,  
14:15:28 2 something huge .

14:15:29 3 Q. Uh-huh .

14:15:30 4 A. Most of all this stuff was fairly  
14:15:33 5 small in size , you know , big -- big -- maybe a  
14:15:36 6 structural I-beam , you know , that was cut down .  
14:15:39 7 Copper . You know , I'm talking small pieces of  
14:15:43 8 copper . Air -- you know , nothing exorbitant  
14:15:49 9 that you had to have a crane to pick it up or a  
14:15:54 10 cutting -- you know , he never used a cutting  
14:15:58 11 torch to cut anything open or cut it down . So  
14:16:01 12 I don't know where you're going with that .

14:16:03 13 Q. Well , I'm just trying to figure  
14:16:05 14 out what kind of pieces of material that were  
14:16:07 15 metal that came into the -- came into the dump  
14:16:10 16 that he worked on , if anything comes to mind .

14:16:14 17 A. No .

14:16:14 18 Q. Was his instrument -- his tool of  
14:16:19 19 choice the hammer ?

14:16:20 20 A. Hammer and chisel was a good  
14:16:22 21 friend .

14:16:23 22 Q. Okay . Did he have any other good  
14:16:25 23 friends among tools ?

14:16:26 24 A. Probably not .

14:16:31 25 Q. Okay .

14:16:32 1 A. Hacksaw maybe . I don't -- you're  
14:16:36 2 asking me to speculate .

14:16:37 3 Q. Did he have a particular place at  
14:16:40 4 the site where he -- where he did his metal  
14:16:43 5 recycling ?

14:16:44 6 A. If it was something that may take  
14:16:47 7 a while , he would bring it up to wherever the  
14:16:50 8 office was .

14:16:51 9 Q. Why there?

14:16:53 10 A. Because that's where the tools  
14:16:55 11 were kept .

14:16:55 12 Q. I see . Did Kenny do any of the  
14:16:58 13 metals recycling ?

14:16:59 14 A. Yes .

14:17:00 15 Q. What would he do?

14:17:02 16 A. If it was intricate to take apart  
14:17:06 17 to get the metal apart , out , that was Kenny .  
14:17:11 18 He was a tinkerer .

14:17:13 19 Q. I see . Do you have a memory of  
14:17:15 20 anything he particularly tinkered with ?

14:17:18 21 A. No . He just -- he could spend  
14:17:22 22 hours tinkering .

14:17:23 23 Q. Are you aware of whether Kenny  
14:17:29 24 tinkered with lead ?

14:17:31 25 A. Sure he did .

14:17:33 1 Q. What did he do?

14:17:34 2 A. He would melt the lead down into  
14:17:39 3 an ingot.

14:17:40 4 Q. How did he do that?

14:17:42 5 A. Can I say -- I don't know. Hot  
14:17:48 6 plate. I can't remember.

14:17:49 7 Q. Did you ever watch him do it?

14:17:51 8 A. Vaguely. I mean, you're talking  
14:17:56 9 fifty -- fifty years.

14:17:57 10 Q. When did Kenny work at the site?

14:18:02 11 A. Kenny worked -- I -- I don't know.  
14:18:07 12 Somewhere in the -- probably not long after my  
14:18:13 13 father started it because Kenny worked for  
14:18:16 14 Huffman Manufacturing and my dad did right  
14:18:22 15 after the war.

14:18:23 16 Q. Both of them worked for Huffman  
14:18:25 17 Manufacturing?

14:18:25 18 A. I think so. And then Kenny came.  
14:18:31 19 When, I don't know. What year, I don't know.

14:18:32 20 Q. Was Kenny younger or older than  
14:18:36 21 your dad?

14:18:37 22 A. Kenny was older.

14:18:38 23 Q. And from the time -- he began  
14:18:43 24 working what, sometime in the '40s or '50s at  
14:18:46 25 the dump?

14:18:47 1 A. Don't know .

14:18:47 2 Q. Do you know how long he worked at  
14:18:50 3 the dump ?

14:18:50 4 A. What , Kenny ?

14:18:52 5 Q. Yeah .

14:18:53 6 A. Until the dumped closed .

14:18:55 7 Q. Do you remember what year the dump  
14:18:58 8 closed ?

14:18:59 9 A. Probably around -- I don't know --  
14:19:03 10 late '80s , early '90s .

14:19:07 11 Q. You mentioned fifty years ago or  
14:19:11 12 so on Kenny and lead . Was there a span of time  
14:19:16 13 when he was melting lead into ingots ?

14:19:19 14 A. I don't know .

14:19:20 15 Q. You just have a memory of it?

14:19:22 16 A. You know , I -- you know , I -- I  
14:19:34 17 know he had a hot plate . So that's all I can  
14:19:36 18 say . You're talking -- you know , it's --  
14:19:40 19 you're talking did I walk through the meadow  
14:19:43 20 and did I see four butter flies . I don't know.  
14:19:46 21 I'm sure I did , but I don't know .

14:19:47 22 Q. You remember a hot plate ?

14:19:49 23 A. Right .

14:19:49 24 Q. You remember him using a hot plate  
14:19:52 25 to melt lead into ingots ?

14:19:56 1 A. I can. Would I bet my life on it,  
14:19:59 2 I don't know. But my uncle was -- you know, he  
14:20:03 3 was -- he would use whatever resources were at  
14:20:07 4 hand. Let's put it that way. So if that's how  
14:20:11 5 he had to get it to whatever shape he wanted  
14:20:14 6 in, then that's what he would do.

14:20:17 7 Q. Do you know where lead came from?

14:20:19 8 A. I don't know if they're wheel  
14:20:22 9 weights. I don't know. Do I know the source  
14:20:25 10 of that lead, no.

14:20:26 11 Q. We're going to show you something  
14:21:06 12 else in a second. Do you want to keep going or  
14:21:08 13 take a break?

14:21:10 14 A. I don't know. If you want to take  
14:21:12 15 a break, that's fine.

14:21:14 16 Q. We'll do one more and then we'll  
14:21:16 17 take a break. Let's mark this. We're up to  
14:21:23 18 David Grillot Number 3.

14:21:23 19 (Thereupon, D. Grillot Exhibit Number  
14:21:58 20 3 was marked for purposes of identification.)

14:21:58 21 Q. All right. David, we put in front  
14:22:04 22 of you David Grillot Number 3. And I want you  
14:22:14 23 to take a look at it. I'm going to ask you  
14:22:16 24 some questions.

14:24:23 25 (Pause in proceedings.)

14:24:24 1 Q. Are you ready ?

14:24:25 2 A. Uh-huh .

14:24:25 3 Q. Well, let me begin with , looking  
14:24:27 4 at Exhibit 3 , do you recognize the handwriting ,  
14:24:36 5 the handwritten portion of this --

14:24:38 6 A. That's my father 's handwriting .

14:24:43 7 MR. COUGHLIN: Larry , it's Bill . Can  
14:24:44 8 you tell us what document is being labeled and  
14:24:48 9 identified as Exhibit 3?

14:24:51 10 MR. SILVER: My apologies . It says  
14:24:53 11 Figure 1.7, tax map and notes OUI remedial  
14:24:58 12 investigation report , South Dayton Dump & Landfill  
14:25:02 13 site.

14:25:02 14 Q. How do you know it's your father 's  
14:25:09 15 handwriting ?

14:25:10 16 A. I know my father 's handwriting .

14:25:12 17 Q. You saw it often ?

14:25:15 18 A. Yes .

14:25:16 19 Q. Do you recognize what's depicted  
14:25:22 20 on this exhibit ?

14:25:23 21 A. Basically .

14:25:28 22 Q. All right . Tell me what you  
14:25:30 23 recognize .

14:25:33 24 A. Well , the first -- how can you  
14:25:37 25 describe -- describe a drawing to anybody

14:25:40 1 that's not sitting here with you . If you have  
14:25:42 2 it in front of you where it says fill grade ,  
14:25:45 3 you know , I'm just assuming that part has been  
14:25:48 4 filled . Then next to it , to the south , it says  
14:25:57 5 approximately , I can't really read that , thirty  
14:26:00 6 foot of fill needed . That was dumped . That  
14:26:03 7 was the area yet to be filled by landfill .

14:26:09 8 Q. So you see -- you see -- let me  
14:26:19 9 point it out to you . So you're referring to  
14:26:25 10 fill to grade here , and this would have been  
14:26:27 11 the upper portion ?

14:26:28 12 A. Right .

14:26:29 13 Q. And you're interpreting that as  
14:26:31 14 meaning that that area is filled ?

14:26:33 15 A. Well , if you put this and  
14:26:35 16 super impose it over on this aerial photograph  
14:26:38 17 from '68 --

14:26:40 18 Q. That's Exhibit 1 ?

14:26:41 19 A. -- you see all the houses here  
14:26:43 20 (indicating) , all the buildings and stuff  
14:26:46 21 (indicating) that's on this here .

14:26:48 22 Q. What are you referring to by this  
14:26:50 23 here ?

14:26:51 24 A. If you look at this survey , you  
14:26:54 25 see -- you see plots and you see stuff that's

14:26:57 1 here .

14:26:58 2 Q. Why don't you circle that so  
14:27:00 3 everyone knows --

14:27:01 4 A. Well , you can circle the whole  
14:27:03 5 thing because --

14:27:04 6 Q. All right . Keep going .

14:27:05 7 A. I don't see any structures listed  
14:27:07 8 on that . So I don't know what -- I don't  
14:27:12 9 know -- you know, of course , that doesn't  
14:27:14 10 actually -- it depends on what -- what year --

14:27:21 11 you know , I don't know -- the landfill could  
14:27:28 12 have taken clear up to the Broadway Street  
14:27:32 13 bridge . I don't know where that started at.

14:27:35 14 This says fill to grade . That's clear up here  
14:27:38 15 (indicating). So that's -- that's hard to say .

14:27:39 16 I don't know if that was prior , if  
14:27:42 17 this was done -- if this was done when my dad  
14:27:47 18 first proposed the landfill , to take the landfill  
14:27:50 19 over . That's my -- that's my assumption because  
14:27:52 20 I've never seen this before until you showed it to  
14:27:55 21 me . So it says fill to grade like on the  
14:27:59 22 northern -- northern quadrant of that seventy  
14:28:03 23 acres, and it still says seventy acres of land ,  
14:28:08 24 approximately twenty-five acres filled , which  
14:28:12 25 would have left forty-five acres left yet to fill .



14:28:17 1 Q. So let's take it one at a time .  
14:28:22 2 We're looking at Exhibit 3 . I see where you  
14:28:25 3 just reference d under the words finish grade ,  
14:28:28 4 towards the top , you go down four lines and it  
14:28:33 5 says seventy acres of land , approximately  
14:28:38 6 twenty-five acres filled to grade . Is that  
14:28:41 7 what you were referring to?

14:28:42 8 A. Right . So the whole plot is  
14:28:46 9 seventy-five acres . Twenty -five has been  
14:28:49 10 filled . So that would have left forty-five  
14:28:52 11 acres to fill .

14:28:52 12 Q. And is it your understanding that  
14:28:55 13 the entire plot owned by Cyril and Horace  
14:29:03 14 Boesch was seventy acres?

14:29:06 15 A. That's what this document says .

14:29:08 16 Q. Do you have any reason to disagree  
14:29:10 17 with that ?

14:29:10 18 A. No.

14:29:14 19 Q. This document says twenty-five  
14:29:16 20 acres has been filled . Is that your  
14:29:18 21 interpretation ?

14:29:18 22 A. That's my interpretation .

14:29:20 23 Q. With forty-five acres left to be  
14:29:23 24 filled ?

14:29:23 25 A. Right .

14:29:24 1 Q. Do you have an idea -- how much  
14:29:33 2 filling was done at a particular time at this  
14:29:36 3 site ?

14:29:36 4 A. At what pace it filled ?

14:29:41 5 Q. Yes .

14:29:42 6 A. No .

14:29:42 7 Q. Do you have an idea of at what  
14:29:46 8 time in the history of the site twenty-five  
14:29:48 9 acres had been filled ?

14:29:49 10 A. Like I said, that could have been  
14:29:53 11 the original landfill .

14:29:55 12 Q. Uh-huh . Uh-huh .

14:29:57 13 A. That's the way I would -- the way  
14:30:00 14 I would read this because I don't know of any  
14:30:03 15 other reason to have this . Why would it say  
14:30:07 16 filled to grade and then seventy acres and  
14:30:11 17 twenty-five filled to grade . I don't  
14:30:15 18 understand the reason for this document , other  
14:30:18 19 than to , I guess , reapply -- I don't know . I  
14:30:25 20 don't understand . I don't know why that  
14:30:27 21 document is .

14:30:27 22 Q. Well, let me ask you the following  
14:30:31 23 question . When you began to work in the spring  
14:30:36 24 or so of 1971 for your dad , did you have a  
14:30:39 25 sense of how much of the seventy acres of the

14:30:42 1 site was filled , filled to grade at that point ?

14:30:45 2 A. Probably fifty .

14:30:55 3 Q. Fifty of the seventy acres was  
14:30:57 4 filled to grade ?

14:30:58 5 A. Yeah . Maybe more . Sixty .

14:31:00 6 Q. If I asked you to draw on Figure 2  
14:31:10 7 what was filled as of 1971 , could you do that ?

14:31:13 8 A. This is just a -- I'm thinking --  
14:32:23 9 well , '71 , there was still some of this pond  
14:32:27 10 (indicating) left .

14:33:13 11 Q. So on Exhibit 2 you marked --  
14:33:16 12 first you put in where the office is located  
14:33:19 13 and entrance . Would that have been what you  
14:33:22 14 called the second entrance ?

14:33:23 15 A. Second entrance that I know of.

14:33:25 16 Q. Can you write second above  
14:33:27 17 entrance ?

14:33:27 18 A. (Witness complies with request.)

14:33:34 19 Q. You marked second in blue -- oh,  
14:33:39 20 2nd above entrance and ground and you marked  
14:33:44 21 where the office was and something in brown  
14:33:46 22 with a box and the word office below that . You  
14:33:49 23 also wrote in the word filled in two places .  
14:34:07 24 Now you've written the word filled in three  
14:34:11 25 places . Why don't you X out what you put in as

14:34:15 1 filled below the office .

14:34:16 2 A. (Witness complies with request.)

14:34:17 3 Q. So the filled areas were -- do I  
14:34:19 4 understand it correctly , above the line that's  
14:34:22 5 above the word central parcels ?

14:34:25 6 A. Where it says filled and the Xs  
14:34:30 7 are , that's filled land .

14:34:31 8 Q. Right. And where it says central  
14:34:34 9 parcels in that area beneath that , that 's not  
14:34:38 10 filled because there are no Xs there?

14:34:40 11 A. Right .

14:34:41 12 Q. Do you know if that area was ever  
14:34:44 13 filled where it says central parcels ?

14:34:46 14 A. I don't know .

14:34:48 15 Q. Do you know if the area that's  
14:34:55 16 below the purple line that says quarry ponds  
14:35:00 17 and parcels , do you know if that area was ever  
14:35:03 18 filled ?

14:35:04 19 A. No. I don't think -- no .

14:35:05 20 Q. You're saying that area was never  
14:35:08 21 filled ?

14:35:08 22 A. Not by my father .

14:35:10 23 Q. All right . Do you know if it was  
14:35:38 24 filled by anybody else , the area that's marked  
14:35:43 25 quarry pond parcels ?

14:35:43 1 A. I have no idea . Has it been  
14:35:50 2 filled ? You're asking me . I'm asking you .  
14:35:52 3 Has it been filled ?

14:35:53 4 Q. You can ask me off the record .  
14:35:55 5 You can't ask me --

14:35:57 6 A. Off the record .

14:35:57 7 Q. Oh, no, we're on the record .

14:36:01 8 A. Because I haven't been in that  
14:36:02 9 area in years . So I don't know .

14:36:04 10 Q. When was the last time you visited  
14:36:06 11 the site ?

14:36:07 12 A. Two years ago .

14:36:10 13 Q. And what was the occasion ?

14:36:12 14 A. Just curious of what it looked  
14:36:14 15 like .

14:36:14 16 Q. Were you able to actually go on  
14:36:18 17 the site ?

14:36:18 18 A. Yeah .

14:36:18 19 Q. How did you do that ?

14:36:19 20 A. Went over a broken fence .

14:36:22 21 Q. Okay. All right. Walked around ?

14:36:23 22 A. And could not recognize anything .

14:36:26 23 Q. Why is that ?

14:36:27 24 A. Because it has change d -- it's so  
14:36:31 25 overgrown . Whatever landmarks were in my mind

14:36:35 1 are not there .

14:36:35 2 Q. Okay . While we're looking at

14:36:43 3 Exhibit 2 , can you mark -- let's use a -- let's

14:36:52 4 use this light blue pen -- where the air

14:36:54 5 curtain destructor was .

14:36:57 6 A. On this one ?

14:36:59 7 Q. Yeah . On Exhibit 2 . That's

14:37:02 8 right .

14:37:12 9 A. There's a box , a rectangle on

14:37:16 10 this . I don't know what that was . So we'll

14:37:18 11 just call that the air curtain destructor .

14:37:21 12 Q. That was the location of the air

14:37:23 13 curtain destructor ?

14:37:25 14 A. Yeah . Plus or minus . Then the

14:37:28 15 other one was -- I'll just box it in in blue .

14:37:47 16 Q. Just for the record , say out loud

14:37:49 17 what you're putting in .

14:37:51 18 A. I'm just putting an arrow to the

14:37:53 19 right of where the air curtain destructor was .

14:37:56 20 Q. And what are you writing ?

14:37:58 21 A. Air curtain destructor .

14:38:01 22 Q. Thank you . That's helpful for

14:38:03 23 those who read the transcript later .

14:38:08 24 A. Then the other box that I drew in

14:38:11 25 blue is where the cardboard reclamation was .

14:38:17 1 Q. And you -- are you writing  
14:38:20 2 cardboard reclamation ?

14:38:22 3 A. Right .

14:38:23 4 Q. Okay. And all of this is on  
14:38:28 5 Exhibit 2 .

14:38:42 6 We haven't talked about cardboard  
14:38:45 7 reclamation yet . What was that ?

14:38:46 8 A. Container Service not only brought  
14:38:50 9 in pallets , they brought -- from Chrysler , they  
14:38:55 10 brought in their compact ors that they -- their  
14:39:02 11 compact ors that their cardboard and paper would  
14:39:05 12 go into . They would bring the truck down , dump  
14:39:08 13 it out on another slab , and then -- and then  
14:39:19 14 guy by the last name of Knowlens , they were  
14:39:23 15 brothers and cousins , they would come in with a  
14:39:27 16 trash truck , compact assorted cardboard back  
14:39:31 17 into it , and then take it back to the cardboard  
14:39:32 18 recycling place .

14:39:35 19 Q. So there were compact ors at the  
14:39:37 20 South Dayton Dump ?

14:39:39 21 A. No. The compact ors were at the  
14:39:41 22 businesses . The Knowlen brothers used a  
14:39:47 23 compacting trash truck to compact the cardboard  
14:39:50 24 so they could get larger amounts in smaller  
14:39:53 25 spaces and then they would truck it to the

14:39:57 1 cardboard recyclers .

14:39:59 2 Q. So you drew in what you called

14:40:06 3 cardboard reclamation ?

14:40:07 4 A. Right .

14:40:08 5 Q. Was that a concrete slab ?

14:40:10 6 A. Concrete slab .

14:40:11 7 Q. And who built that concrete slab ?

14:40:14 8 A. We did .

14:40:15 9 Q. Who's we ?

14:40:16 10 A. My father and I and other help

14:40:21 11 Eddie had hired , contractors .

14:40:23 12 Q. And exactly what happened on that

14:40:26 13 slab ?

14:40:26 14 A. The cardboard , the contain ers , the

14:40:30 15 compacted contain ers were dumped out there .

14:40:34 16 The Knowlen brothers would sort through the

14:40:37 17 paper , the metal bands , whatever was not

14:40:39 18 recyclable , put that in another open end

14:40:48 19 contain er, and then that would be hauled away .

14:40:50 20 Q. Okay . Let's take it one step at a

14:40:53 21 time . Who dumped the materials on the slab ?

14:40:56 22 A. I told you . Container Service .

14:40:58 23 Q. And where did the materials come

14:41:04 24 from ?

14:41:04 25 A. I told you . Chrysler .



14:41:05 1 Q. I heard , but I want to get it in  
14:41:07 2 an organized way so we can all understand .

14:41:15 3 And what materials did Container  
14:41:18 4 Service bring from Chrysler that were dumped on  
14:41:22 5 the slab ?

14:41:22 6 A. Wood and compacted cardboard .

14:41:25 7 Q. And you mentioned some other items  
14:41:27 8 in with them that were separated out . What  
14:41:29 9 were those ?

14:41:30 10 A. Metal bands , plastic bands , paper  
14:41:34 11 that's not recycl -- that wasn't worth the  
14:41:38 12 recycling .

14:41:38 13 Q. And what happened to --

14:41:40 14 A. Maybe plastic shrink-wrap .

14:41:43 15 Q. And all of this came from  
14:41:44 16 Chrysler ?

14:41:45 17 A. Correct .

14:41:46 18 Q. Hauled by Container Service ?

14:41:48 19 A. Right .

14:41:49 20 Q. Dumped on the slab ?

14:41:50 21 A. Correct .

14:41:52 22 Q. Then how were these materials  
14:41:54 23 separated out into --

14:41:57 24 A. By the Knowlen brothers .

14:41:58 25 Q. They would come down and work

14:42:01 1 right on the slab ?

14:42:01 2 A. Right .

14:42:03 3 Q. By hand ?

14:42:03 4 A. Correct . Sorted by hand.

14:42:05 5 Q. What materials were they looking

14:42:07 6 for ?

14:42:07 7 A. Cardboard .

14:42:08 8 Q. Anything else ?

14:42:09 9 A. No .

14:42:09 10 Q. What happened to the materials

14:42:13 11 that were not cardboard that were on the slab ?

14:42:15 12 A. It was put into an open

14:42:20 13 container -- open-top container and hauled

14:42:22 14 away .

14:42:23 15 Q. Who put them into an open-top

14:42:25 16 container ?

14:42:27 17 A. The Knowlen brothers .

14:42:28 18 Q. And where was this open-top

14:42:30 19 container located ?

14:42:32 20 A. At the end of that slab .

14:42:34 21 Q. Which end ?

14:42:37 22 A. Do you want me to draw a picture ?

14:42:41 23 Q. Sure . We're looking at Exhibit 2 .

14:42:52 24 A. I'm going to sign this when we're

14:42:54 25 done .

14:42:54 1 Q. We're going to ask you to sign it.

14:43:10 2 A. This is oversized so you can see  
14:43:14 3 it.

14:43:15 4 Q. Just say out loud what you're  
14:43:17 5 writing in.

14:43:18 6 A. Open container for nonrecyclable.

14:43:43 7 Q. Okay. On Exhibit 2 he wrote in a  
14:43:46 8 little brown box and next to it, he wrote open  
14:43:50 9 container for --

14:43:54 10 A. For nonrecyclable .

14:43:57 11 Q. Open container nonrecyclable .  
14:44:01 12 What was the sides of that open container ?

14:44:05 13 A. It was probably a forty yard  
14:44:07 14 container . I don't know , thirty foot long ,  
14:44:11 15 twenty foot long , six foot high , seven foot  
14:44:15 16 wide . I don't know . Whatever the contain ers  
14:44:17 17 are .

14:44:17 18 Q. Was it sitting level with the  
14:44:19 19 ground or below ground or what ?

14:44:21 20 A. It would have been fairly close  
14:44:23 21 to -- I don't know . I can't remember . It --  
14:44:26 22 it wasn't absolutely level with the ground . So  
14:44:30 23 I don't know .

14:44:31 24 Q. Was it lower than the slab ?

14:44:33 25 A. Lower than the slab , yes .

14:44:37 1 Q. So the slab was built up ?

14:44:39 2 A. Correct .

14:44:40 3 Q. How high off the ground was the  
14:44:42 4 slab ?

14:44:43 5 A. I have no idea . How thick was the  
14:44:45 6 pour , probably ten inches --

14:44:46 7 Q. Ten inches --

14:44:49 8 A. -- of concrete .

14:44:50 9 Q. Do you know who owned the open  
14:44:52 10 container ?

14:44:53 11 A. Container Service .

14:44:54 12 Q. And during what period of time was  
14:44:58 13 the Container Service open container located at  
14:45:04 14 the site ?

14:45:04 15 A. I couldn't say . I don't know .

14:45:08 16 Q. Well, what decade ? Let's start  
14:45:10 17 with what decade ?

14:45:11 18 A. '70s .

14:45:13 19 Q. Was the open container put in at  
14:45:17 20 the same time that the slab we were just  
14:45:20 21 talking about was built ?

14:45:24 22 A. I can't remember if that was an  
14:45:27 23 afterthought or not . I don't know .

14:45:29 24 Q. Sometime after the slab , you  
14:45:31 25 think , is that what you're saying ?

14:45:33 1 A. I don't know . I can't --

14:45:34 2 Q. And -- well , let's start with the  
14:45:39 3 air curtain destructor . During what period of  
14:45:42 4 time did the air curtain destructor operate ?

14:45:45 5 A. I don't know . '71 . And I don't  
14:45:53 6 know when my father -- I don't know . I -- I  
14:45:58 7 don't know when he -- because after I left , I  
14:46:02 8 would help him once in a while through the  
14:46:06 9 years . But when he finally shut it down , I  
14:46:09 10 don't know . I don't know . It was before '80  
14:46:13 11 probably .

14:46:13 12 Q. Before '80 . After '75 ?

14:46:18 13 A. I don't know . I can't answer  
14:46:20 14 that .

14:46:20 15 Q. And you left -- you left working  
14:46:24 16 there on a regular basis in '73 ?

14:46:27 17 A. Right .

14:46:27 18 Q. So sometime after '73 ?

14:46:29 19 A. Right .

14:46:30 20 Q. And before '80 ?

14:46:31 21 A. I'm assuming . It wasn't -- it  
14:46:35 22 wasn't part of my life . I didn't visit it  
14:46:37 23 regularly . I don't know . I know my dad -- you  
14:46:39 24 know , I really can't say to the date or when my  
14:46:43 25 dad finally just shut the whole thing down . I

14:46:46 1 don't know .

14:46:47 2 Q. Did there come a time when the  
14:46:52 3 partnership between your dad and --

14:46:54 4 A. When the what ?

14:46:55 5 Q. When the partnership between your  
14:46:57 6 dad and the Aldriches and Brannon discontinued ?

14:47:02 7 A. Somewhere in the '70s .

14:47:08 8 Q. What happened ? Why did the  
14:47:10 9 partnership discontinue ?

14:47:12 10 A. Difference of opinion , I think . I  
14:47:14 11 don't know what it was over . But it was a  
14:47:17 12 difference of what direction to take and --  
14:47:25 13 that's all I know .

14:47:26 14 Q. Do you know whether your dad  
14:47:27 15 continued to operate the air curtain --

14:47:30 16 A. Yes .

14:47:30 17 Q. -- destructor after that ?

14:47:33 18 A. Yes .

14:47:34 19 Q. He did ?

14:47:35 20 A. He bought the Aldriches out and  
14:47:38 21 Larry Brannon.

14:47:42 22 Q. He bought them out --

14:47:42 23 A. Right.

14:47:43 24 Q. -- and continued to operate the  
14:47:44 25 air curtain destructor ?

14:47:45 1 A. Right .

14:47:46 2 Q. And do you know whether the -- do  
14:47:49 3 you know whether at that point the cardboard  
14:47:57 4 reclamation slab continued to be used ?

14:47:59 5 A. I don't know . I -- you know , I'm  
14:48:13 6 not even sure the year that that -- you know ,  
14:48:16 7 that that falling-out taken . To me , common  
14:48:24 8 sense is if Container Services is bringing the  
14:48:29 9 stuff in , and they were in partners with my  
14:48:35 10 dad , then the partner , the so-called  
14:48:38 11 partnership , I don't know if it was actually  
14:48:41 12 drawn up or how it was done , but when that  
14:48:44 13 would have dissolved , common sense would tell  
14:48:47 14 me that their trucks coming in there to -- to  
14:48:56 15 bring stuff in would have dissolved also . But  
14:48:58 16 is that how it happened , I don't know .

14:49:02 17 MR. SILVER: All right . This is a  
14:49:03 18 good time for a break . Take maybe -- let's see ,  
14:49:09 19 what time it is ? Why don't we take twenty  
14:49:14 20 minutes . Does that sound okay ?

14:49:19 21 (Thereupon, a break was had.)

14:49:19 22 (Thereupon, D. Grillot Exhibit Number  
15:09:12 23 4 was marked for purposes of identification.)

15:09:12 24 (Thereupon, D. Grillot Exhibit Number  
15:09:21 25 5 was marked for purposes of identification.)

15:09:21 1 Q. How are you feeling , David ?

15:09:24 2 A. Pretty good .

15:09:25 3 Q. All right . I put in front of you  
15:09:31 4 what we marked as David Grillot Number 4 . It's  
15:09:35 5 a one-page r with DP&L 345 .

15:09:41 6 David , earlier today you talked  
15:09:43 7 about some dumping tickets that your dad began  
15:09:50 8 to use at the site at some point later in the  
15:09:53 9 site 's life . Do you remember that testimony ?

15:09:54 10 A. Right .

15:09:55 11 Q. Can you take a look at David  
15:09:58 12 Grillot Exhibit Number 4 in front of you . Do  
15:10:03 13 you recognize these -- these four dumping  
15:10:07 14 receipts that are on this exhibit ?

15:10:08 15 A. Yes .

15:10:09 16 Q. Tell me what you recognize .

15:10:17 17 A. They're the receipts that the  
15:10:18 18 driver put the date -- evidently put the date  
15:10:22 19 on it and the driver would , I believe , sign the  
15:10:27 20 back of it acknowledging that the load was  
15:10:29 21 dumped at the dump .

15:10:32 22 Q. So the driver would sign the back  
15:10:40 23 of these ?

15:10:40 24 A. I think so .

15:10:41 25 Q. I see on these tickets there is



15:10:46 1 a --

15:10:48 2 A. Or maybe they signed the front .

15:10:50 3 It says signed on front . So maybe it was the  
15:10:52 4 front .

15:10:52 5 Q. Uh-huh . They're a little  
15:10:58 6 difficult to read . I don't know that I see a  
15:11:00 7 signature . Do you know how it came about that  
15:11:05 8 your dad started using dumping receipts ?

15:11:05 9 A. No.

15:11:08 10 Q. Or why ?

15:11:09 11 A. Probably to validate how many  
15:11:16 12 loads that the -- well , I guess this is DP&L .  
15:11:23 13 Like I told you , DP&L , they were on a monthly  
15:11:29 14 of nine hundred and fifty dollars regardless of  
15:11:31 15 how many loads they brought in , one , fifty , a  
15:11:34 16 hundred . So maybe this was to start to  
15:11:37 17 validate a rate increase . DP&L said we're not  
15:11:43 18 putting that much into you and maybe that's --  
15:11:47 19 my father came up with this to sign , to  
15:11:49 20 validate how many loads that they were actually  
15:11:52 21 dumping .

15:11:52 22 Q. Do you know whether DP&L had a key  
15:11:55 23 to the gate at the South Dayton Dump ?

15:11:58 24 A. Yes .

15:12:00 25 Q. Yes , you know or yes , they did ?

15:12:03 1 A. Yes , they did .

15:12:05 2 Q. DP&L had a key to the gate ?

15:12:08 3 A. Yes .

15:12:10 4 Q. Do you know why ?

15:12:11 5 A. Because they would sometimes -- I  
15:12:14 6 think the stuff coming from Longworth , the fly  
15:12:18 7 ash . The Longworth steam station down here in  
15:12:20 8 downtown . They would have -- they would have  
15:12:25 9 to come in either after-hours or before hours  
15:12:30 10 to get rid of a load of fly ash .

15:12:32 11 Q. All right . And you testified  
15:12:38 12 earlier , did you not , that the dump closed on  
15:12:42 13 weekdays -- was it 4:30 ?

15:12:44 14 A. 4:30 or 5:00 .

15:12:46 15 Q. And when did it open in the  
15:12:48 16 morning ?

15:12:48 17 A. I think my uncle usually got there  
15:12:50 18 at -- fairly early . 5:30 , 6:00 , 6:30 .  
15:12:55 19 Somewhere in that range . 5:30 to 6:30 .

15:12:59 20 Q. That would be Uncle Kenny ?

15:13:00 21 A. Right .

15:13:01 22 Q. So 5:30 to 6:30 a.m. till 4:30 to  
15:13:08 23 5:00 p.m. on a regular basis ?

15:13:12 24 A. Right .

15:13:12 25 Q. Weekdays?

15:13:12 1 A. Seven days.

15:13:12 2 Q. Seven days?

15:13:13 3 A. Right.

15:13:13 4 Q. Was Kenny there on weekends ?

15:13:16 5 A. He was there six days . Excuse me .

15:13:19 6 Q. Not Sunday ?

15:13:20 7 A. Not Sunday .

15:13:21 8 Q. Was someone else there on Sunday ?

15:13:21 9 A. No.

15:13:24 10 Q. Closed on Sunday ?

15:13:25 11 A. Right .

15:13:27 12 Q. And then the hours on Saturday

15:13:29 13 were the same , 5:30 , 6:00 a.m. till --

15:13:34 14 A. I'm thinking we -- I don't know .

15:13:36 15 4:00 . I can't -- I can't remember .

15:13:40 16 Q. Perhaps closing at 4:00 p.m. on

15:13:43 17 Saturday ?

15:13:43 18 A. Perhaps .

15:13:44 19 Q. Was the character of the loads

15:13:51 20 coming in on Saturday different than on the

15:13:53 21 weekdays ?

15:13:53 22 A. I -- I don't know . I can't

15:13:57 23 remember .

15:13:57 24 Q. I'm wondering if you know whether

15:13:59 25 there's more household --

15:14:02 1 A. You get -- you get stuck with --  
15:14:05 2 you know , from people cleaning out . Like I  
15:14:08 3 said, they had a stove , refrigerator , a swing  
15:14:13 4 set , you know , stuff like that .

15:14:15 5 Q. On weekends ?

15:14:16 6 A. Yeah .

15:14:16 7 Q. On Saturday ?

15:14:17 8 A. Right .

15:14:18 9 Q. All right . Let's take a look at  
15:14:20 10 what we've marked as David Grillot Exhibit  
15:14:27 11 Number 5 that we're putting in front of you .  
15:14:29 12 It has a Bates number SDD 421 . There's also  
15:14:42 13 another number at the top , 36 , another Bates  
15:14:42 14 number .

15:14:45 15 I'm just going to start by asking you  
15:14:47 16 whether you recognize the signature on this  
15:14:51 17 document .

15:14:57 18 A. That is my mother 's handwriting .

15:14:59 19 Q. That's your mother 's handwriting ?

15:15:00 20 A. Right .

15:15:01 21 Q. How about that .

15:15:03 22 A. Much too unique .

15:15:04 23 Q. You recognize it as your mother 's  
15:15:05 24 handwriting ?

15:15:06 25 A. Right .

15:15:07 1 Q. And she's writing Alcine 's name  
15:15:09 2 in?

15:15:09 3 A. Correct .

15:15:10 4 Q. Why would your mother be signing a  
15:15:14 5 letter like this? If you know .

15:15:17 6 A. Don't know .

15:15:18 7 Q. Well, did she have some  
15:15:20 8 involvement in the business enough to be  
15:15:22 9 signing a letter for your dad?

15:15:25 10 A. She was my dad 's wife .

15:15:27 11 Q. That's enough , huh ?

15:15:29 12 A. If you knew my mother , she  
15:15:32 13 actually wore the pants .

15:15:34 14 Q. All right . And did you read  
15:15:41 15 the -- it's a little bit fuzzy , but did you  
15:15:44 16 read the -- what it says in the letter ?

15:15:46 17 A. It says a new rate for something ,  
15:15:49 18 for the disposal , fly ash , concrete , dirt ,  
15:15:54 19 block , but I can't -- I don't know what the  
15:15:59 20 figure is there .

15:16:00 21 Q. It looks like it might be --

15:16:04 22 A. Eighteen hundred .

15:16:05 23 Q. It's sixteen hundred .

15:16:07 24 A. Sixteen hundred .

15:16:08 25 Q. Yeah . But you can't tell the time

15:16:10 1 period . You had mentioned nine sixty per month

15:16:14 2 was the figure for quite some time ?

15:16:16 3 A. I remember for a long time , I

15:16:18 4 believe it was nine fifty .

15:16:19 5 Q. Nine fifty for Dayton Power and

15:16:21 6 Light?

15:16:21 7 A. Right .

15:16:22 8 Q. And this is addressed to Dayton

15:16:24 9 Power and Light?

15:16:24 10 A. Right .

15:16:25 11 Q. Were you aware that there was an

15:16:27 12 increase at some point ?

15:16:28 13 A. I know he was trying to get an

15:16:30 14 increase . I don't know if he ever did .

15:16:32 15 Q. Okay . You testified earlier that

15:17:05 16 you worked for Coca-Cola --

15:17:06 17 A. Correct .

15:17:07 18 Q. -- Bottling Company?

15:17:08 19 A. Correct .

15:17:09 20 Q. Do you know whether Coca-Cola ever

15:17:11 21 sent any kind of waste to the South Dayton

15:17:15 22 Dump & Landfill?

15:17:15 23 A. I know of a time .

15:17:17 24 Q. What's that ?

15:17:18 25 A. That they dumped glass bottles and

15:17:23 1 wooden shells .

15:17:24 2 Q. When was that ?

15:17:29 3 A. '63 , '64 , '65 , somewhere in that  
15:17:37 4 range .

15:17:40 5 Q. And you would have been thirteen  
15:17:43 6 to --

15:17:43 7 A. Thirteen to fifteen .

15:17:44 8 Q. And why is that clear in your  
15:17:46 9 memory ?

15:17:47 10 A. Because my mother came and got  
15:17:50 11 myself and a friend and we went and gathered  
15:17:52 12 the bottles back up , put them back in the cases  
15:17:55 13 and took them back to the stores for the  
15:17:58 14 deposit .

15:17:58 15 Q. How much money did you get ?

15:18:03 16 A. I think we got about twenty-six  
15:18:06 17 dollars .

15:18:06 18 Q. Do you remember seeing any broken  
15:18:11 19 bottles ?

15:18:11 20 A. Many . We were upset over that .

15:18:13 21 Q. So you had to gather the nonbroken  
15:18:17 22 ones from among the broken ones ?

15:18:19 23 A. Correct .

15:18:20 24 Q. And you put them in some sort of  
15:18:22 25 wooden cases ?

15:18:22 1 A. Wooden cases .

15:18:23 2 Q. Which were also dumped ?

15:18:25 3 A. Right .

15:18:26 4 Q. All right . Any other information  
15:18:31 5 about Coca-Cola dumping at the site that you  
15:18:36 6 know about ?

15:18:36 7 A. No.

15:18:42 8 Q. Let me ask you about Monsanto  
15:18:44 9 Company . Do you know the name Monsanto ?

15:18:46 10 A. Right .

15:18:46 11 Q. Do you know anything about  
15:18:48 12 Monsanto Company dumping at the South Dayton  
15:18:52 13 Dump & Landfill ?

15:18:52 14 A. I don't -- I know they did , but  
15:19:01 15 how often and what , I don't know .

15:19:03 16 Q. What's the basis for your  
15:19:05 17 knowledge that they did ?

15:19:06 18 A. Because I just vaguely remember .

15:19:11 19 Q. Nothing more specific at this  
15:19:12 20 time ?

15:19:13 21 A. No .

15:19:13 22 Q. All right . Have you heard the  
15:19:18 23 name Peerless Transportation Company ?

15:19:19 24 A. I remember them .

15:19:21 25 Q. What do you know -- what -- what



15:19:25 1 do you understand to be the Peerless  
15:19:28 2 Transportation Company ?

15:19:28 3 A. I know they're a waste hauler .  
15:19:32 4 They were -- they were a warehousing company  
15:19:36 5 that would warehouse stuff . It seems to me  
15:19:44 6 that -- I don't know if -- I don't know if they  
15:19:49 7 dumped at the dump . If they did , it would have  
15:19:52 8 been foundry sand from GH&R Foundry.

15:19:57 9 Q. Uh-huh .

15:20:01 10 A. That's -- that's going -- that's  
15:20:03 11 going pretty deep back .

15:20:05 12 Q. Do you have any memory of your  
15:20:11 13 basis for thinking that Peerless may have  
15:20:14 14 dumped foundry sand from GH&R ?

15:20:18 15 A. The foundry sand would come in on  
15:20:24 16 what's called a gondola . It's like a bucket  
15:20:28 17 that's picked up by a truck with arms , swing  
15:20:32 18 arms , and they would pick the bucket up , huge  
15:20:36 19 bucket , you know , and it would sit it on the  
15:20:39 20 frame of the truck and that's how they  
15:20:41 21 transported it and then they would dump it . It  
15:20:43 22 would be an open top . And it just seems to me  
15:20:46 23 that I remember them bringing foundry sand in  
15:20:50 24 those -- this is probably -- it would have been  
15:20:53 25 in the ' 60 s , late ' 60 s , somewhere in that

15:20:58 1 range .

15:20:58 2 Q. Uh-huh . And was it a flatbed

15:21:01 3 truck that the gondola was placed on?

15:21:01 4 A. No.

15:21:04 5 Q. An open truck ?

15:21:05 6 A. A cab with a chassis behind it

15:21:08 7 with two swing arms that would swing back and

15:21:11 8 pick up the gondola with chains, pick it up,

15:21:14 9 and it would swing , and then would land on the

15:21:16 10 chassis of the truck . Then I think they would

15:21:19 11 reconfigure the chain somehow to dump it off

15:21:24 12 the chassis .

15:21:25 13 Q. Do you remember seeing these

15:21:27 14 trucks ?

15:21:27 15 A. I remember seeing them .

15:21:29 16 Q. And do you remember that -- do you

15:21:31 17 have a reason for remembering that they were

15:21:34 18 Peerless trucks ?

15:21:35 19 A. Because they were gray .

15:21:36 20 Q. You remember a gray color ?

15:21:37 21 A. Right .

15:21:38 22 Q. Do you remember that Peerless

15:21:40 23 trucks were gray at the time ?

15:21:41 24 A. They were gray . They said

15:21:44 25 Peerless on the doors .

15:21:45 1 Q. Okay . On both doors ?

15:21:48 2 A. I don't know .

15:21:49 3 Q. All right .

15:21:51 4 A. I would imagine .

15:21:52 5 Q. Do you remember the size of the  
15:21:54 6 truck ?

15:21:54 7 A. A good size truck .

15:21:56 8 Q. Length ?

15:21:57 9 A. Twenty foot .

15:21:59 10 Q. Number of wheels ?

15:22:01 11 A. Six . At least six , maybe eight .

15:22:11 12 Six maybe ten . Tandem axle and two steer  
15:22:16 13 tires .

15:22:16 14 Q. Do you remember any of the  
15:22:18 15 drivers ?

15:22:18 16 A. No.

15:22:23 17 Q. Where was GH&R located ?

15:22:25 18 A. From where we're sitting , straight  
15:22:28 19 up the river .

15:22:29 20 Q. North ?

15:22:30 21 A. On this branch . The river that  
15:22:32 22 comes in -- the Miami swings north from where  
15:22:36 23 we are . And the river that goes to the  
15:22:39 24 east erly , that's the Mad River . Probably  
15:22:41 25 upstream half a mile .

15:22:43 1 Q. Upstream of the Mad River ?

15:22:45 2 A. Of the Mad River .

15:22:47 3 Q. It would be northwest Dayton ? Do  
15:22:55 4 I have that right ?

15:22:56 5 A. East . East Dayton .

15:22:58 6 Q. Do you remember how many times you  
15:23:10 7 saw the gray Peerless truck ?

15:23:13 8 A. No .

15:23:13 9 Q. Do you know the name Reynolds &  
15:23:29 10 Reynolds Company?

15:23:29 11 A. They were a paper company ,  
15:23:32 12 printers .

15:23:33 13 Q. Do you know whether Reynolds &  
15:23:36 14 Reynolds Company dumped any waste at South  
15:23:41 15 Dayton Dump ?

15:23:41 16 A. Not that I can recall .

15:23:42 17 Q. You don't remember anything about  
15:23:44 18 them ?

15:23:44 19 A. No.

15:23:49 20 Q. We talked about Valley Asphalt  
15:23:51 21 Corporation .

15:23:52 22 A. Right .

15:23:52 23 Q. What did you tell me about Valley  
15:23:56 24 Asphalt Corporation?

15:23:56 25 A. They made asphalt . That's the

15:23:58 1 only thing I know .

15:23:59 2 Q. Were they located at the dump ?

15:24:02 3 A. On adjacent property .

15:24:05 4 Q. Do you know whether Cyril and  
15:24:07 5 Horace owned the property that Valley Asphalt  
15:24:11 6 was on ?

15:24:11 7 A. I don't know .

15:24:12 8 Q. Do you know whether Valley Asphalt  
15:24:16 9 placed any asphalt on -- on the property that  
15:24:21 10 Cyril and Horace owned ?

15:24:22 11 A. Well , I'm sure they did . They  
15:24:24 12 were wheel ers and dealers .

15:24:26 13 Q. What do you mean by that ?

15:24:27 14 A. I mean, if they built a building  
15:24:30 15 and put asphalt around it, I'm sure they got  
15:24:32 16 their asphalt from Valley Asphalt . So -- are  
15:24:37 17 you talking about dumping ?

15:24:39 18 Q. I'm talking about dumping .

15:24:41 19 A. No . I don't know anything about  
15:24:42 20 it .

15:24:42 21 Q. Do you know anything about any big  
15:24:46 22 mounds of asphalt sitting on --

15:24:48 23 A. That didn't happen until recent  
15:24:50 24 years , after the dump closed .

15:24:52 25 Q. Okay . Just to elaborate , I didn't

15:24:55 1 finish my question ; but tell me , what didn't  
15:24:58 2 happen until after the dump closed ?

15:24:59 3 A. You were talking about a mound , a  
15:25:02 4 mountain , and that's reclaimed asphalt , I  
15:25:05 5 assume . That didn't happen until after the  
15:25:06 6 dump closed .

15:25:07 7 Q. Okay . And specifically , just so  
15:25:09 8 the record is clear , what happened after the  
15:25:12 9 dump closed ?

15:25:13 10 A. Well , you talked about a mound of  
15:25:15 11 asphalt .

15:25:15 12 Q. Uh-huh .

15:25:16 13 A. Well , that happened after the dump  
15:25:18 14 closed and after the junkyard left because that  
15:25:20 15 mound is the size of -- I don't know how big .  
15:25:24 16 It's huge .

15:25:24 17 Q. You saw it when you were there a  
15:25:27 18 couple years ago ?

15:25:27 19 A. Yeah . You can see it from the  
15:25:29 20 interstate .

15:25:30 21 Q. Okay . All right . Do you know the  
15:25:36 22 name Industrial Waste Disposal, IWD?

15:25:41 23 A. Right .

15:25:41 24 Q. You do know that name ?

15:25:43 25 A. Right .

15:25:43 1 Q. What's your understanding as to  
15:25:45 2 what that is?

15:25:45 3 A. It's a trash hauler .

15:25:47 4 Q. Do you know whether IWD ever  
15:25:53 5 brought waste to the South Dayton Dump ?

15:25:56 6 A. That I can recall , no .

15:25:57 7 Q. You can't recall any?

15:25:57 8 A. No.

15:26:58 9 Q. I want to talk a little bit about  
15:27:01 10 the air curtain destructor and what your job  
15:27:03 11 was with regard to it .

15:27:05 12 You said you started working with  
15:27:07 13 your dad maybe in spring , '71 and the air curtain  
15:27:13 14 destructor was being built at that point ?

15:27:15 15 A. Correct .

15:27:16 16 Q. And then it started up and  
15:27:20 17 running ?

15:27:20 18 A. Right .

15:27:20 19 Q. Did you start operating it ,  
15:27:23 20 working on it from the beginning of its  
15:27:26 21 operation ?

15:27:26 22 A. Yes .

15:27:27 23 Q. All right . Tell me what your  
15:27:29 24 particular job duties was .

15:27:32 25 A. The pallets would come in in an

15:27:35 1 open container , they would dump them onto slab ,  
15:27:39 2 I would sort through the pallets , the good ones  
15:27:43 3 I would stack , the bad ones -- I would separate  
15:27:47 4 good from bad . The good ones I would sit off  
15:27:50 5 to the side . A recycler would come in and buy  
15:27:54 6 the pallets . And the bad ones , the trash ,  
15:27:58 7 would go into the air curtain destructor .

15:28:01 8 Q. So start from the beginning . You  
15:28:03 9 said the pallets would come in . Do you know  
15:28:05 10 where they came in from ?

15:28:07 11 A. Mainly Chrysler and Delco Moraine .

15:28:11 12 Q. Both --

15:28:13 13 A. And Dayton Steel.

15:28:14 14 Q. Chrysler , Delco Moraine , and  
15:28:18 15 Dayton Steel all sent pallets ?

15:28:22 16 A. Right .

15:28:22 17 Q. And who hauled the pallets then ?

15:28:31 18 A. Container Service brought to  
15:28:33 19 Chrysler . Delco Moraine used their own trucks .  
15:28:37 20 Dayton Steel used their own trucks . And  
15:28:39 21 occasionally Frigidaire would bring pallets in ,  
15:28:42 22 but that was kind of rare .

15:28:43 23 Q. Who brought the Frigidaire pallets  
15:28:47 24 in ?

15:28:47 25 A. Frigidaire .



15:28:48 1 Q. And how were the pallets unloaded ?

15:28:57 2 A. They were dumped .

15:28:59 3 Q. A dump truck would dump them ?

15:29:02 4 A. The contain ers were on like a dump  
15:29:05 5 bed . They would raise up , dump it out . They'd  
15:29:08 6 pull away , it would all slide out .

15:29:11 7 Q. Chrysler , where was the Chrysler  
15:29:14 8 facility ? Do you know ?

15:29:15 9 A. Just on the north side of town  
15:29:18 10 about a mile from here , from downtown , north  
15:29:22 11 right on 75 .

15:29:23 12 Q. Have you heard the term Chrysler  
15:29:25 13 Air Temp?

15:29:25 14 A. Chrysler Air Temp is what it was .

15:29:28 15 Q. Do you know why it was called  
15:29:30 16 Chrysler Air Temp?

15:29:31 17 A. I believe they made their AC -- AC  
15:29:34 18 units . I think they made wall units and then  
15:29:38 19 probably auto , AC .

15:29:41 20 Q. Air-conditioning ?

15:29:42 21 A. Right .

15:29:42 22 Q. And you said that Container  
15:29:48 23 Service hauled for Chrysler Air Temp?

15:29:50 24 A. Right .

15:29:50 25 Q. Do you remember what the Container

15:29:53 1 Service trucks looked like ?

15:29:57 2 A. No. I can't remember the color on  
15:30:00 3 them .

15:30:00 4 Q. You can't remember the color ?

15:30:00 5 A. No.

15:30:02 6 Q. What about the logo ?

15:30:02 7 A. No.

15:30:08 8 Q. Do you remember any Container

15:30:10 9 Service drivers ?

15:30:10 10 A. One . His last name was Grennier .

15:30:10 11 Q. Grennier.

15:30:18 12 A. I think it's G R E N N I E R.

15:30:21 13 Q. Do you know if he's still alive ?

15:30:24 14 A. No. His name was Albert .

15:30:25 15 Q. You think he passed away ?

15:30:27 16 A. Yeah .

15:30:27 17 Q. Any other Container Service

15:30:30 18 drivers ?

15:30:30 19 A. No.

15:30:47 20 Q. Do you remember any Frigidaire --

15:30:49 21 what the Frigidaire trucks looked like ?

15:30:52 22 A. I'm thinking blue . Some shade of  
15:30:56 23 light blue .

15:30:57 24 Q. Do you remember what their logos  
15:31:04 25 were ?

15:31:04 1 A. Maybe Frigidaire with a crown .

15:31:06 2 I'm not sure .

15:31:07 3 Q. Did anything else get burned in  
15:31:46 4 the air curtain destructor other than pallets ?

15:31:49 5 A. I'll say yes ; but , you know , what ,  
15:31:57 6 when and where , I don't know .

15:31:58 7 Q. Uh-huh . Well , can you give me an  
15:32:02 8 example of something that may have been burned  
15:32:04 9 other than pallets ?

15:32:06 10 A. Say if it was wood , if it was a  
15:32:08 11 cabinet and it was busted , then it would go  
15:32:12 12 into there .

15:32:12 13 Q. Oh, you could put other pieces of  
15:32:15 14 wood in there?

15:32:16 15 A. Yeah .

15:32:16 16 Q. And you did?

15:32:17 17 A. Right .

15:32:17 18 Q. And where did all these other  
15:32:20 19 pieces of wood come from ?

15:32:22 20 A. I have no clue . Some place  
15:32:24 21 brought it in . I didn't .

15:32:26 22 Q. So you just didn't --

15:32:28 23 A. Ninety -nine percent , ninety -nine  
15:32:32 24 point eight was pallets . So you're trying to  
15:32:36 25 ask me to find that four leaf clover . It's not

15:32:40 1 going to happen .

15:32:40 2 Q. I understand . And tell me about

15:32:43 3 these pallets . Starting with Chrysler , do you

15:32:46 4 have any idea of what -- what do they look

15:32:49 5 like ?

15:32:49 6 A. A standard wood pallet.

15:32:53 7 Q. Uh-huh .

15:32:54 8 A. A skid .

15:32:55 9 Q. Right . What size ?

15:32:57 10 A. Varying sizes . Thirty-six inch

15:32:59 11 square . Forty-eight by forty-eight . Maybe

15:33:02 12 longer if it's a shipping pallet that they

15:33:04 13 receive d something on . You name it , it was

15:33:07 14 there .

15:33:07 15 Q. And were these all pure wood grain

15:33:13 16 pallets ?

15:33:13 17 A. Right .

15:33:15 18 Q. Yes ?

15:33:15 19 A. Yes .

15:33:16 20 Q. Ever see any paint on them ?

15:33:18 21 MR. HARBECK: Object . Leading .

15:33:22 22 THE WITNESS: I wasn't concerned if

15:33:24 23 it had anything on it .

15:33:26 24 Q. Might it have had paint on it ?

15:33:30 25 MR. HARBECK: Object . Leading .

15:33:31 1 Q. You can answer .

15:33:32 2 A. It's possible .

15:33:32 3 Q. Did you have an idea of how the  
15:33:37 4 pallets -- where the pallets were placed at  
15:33:40 5 Chrysler ?

15:33:40 6 A. No.

15:33:42 7 Q. You just saw them coming in?

15:33:44 8 A. Right .

15:33:45 9 Q. So you don't know how they were  
15:33:47 10 used at Chrysler ?

15:33:47 11 A. No.

15:33:48 12 Q. You don't know what was on top of  
15:33:50 13 them at Chrysler ?

15:33:50 14 A. No.

15:34:27 15 Q. Now , after the pallets were  
15:34:30 16 burned , the ones that were sorted and burned ,  
15:34:35 17 was there any ash or residue left ?

15:34:39 18 A. After the pallet s were burnt ?

15:34:42 19 Q. Yeah .

15:34:42 20 A. Yeah .

15:34:43 21 Q. Okay . What happened to the ash ?

15:34:46 22 A. Once every -- I don't know --

15:34:55 23 three , four -- four months , we would quit

15:34:57 24 burning to make sure the ash cooled down all

15:35:01 25 the way . The ash may have built up three or

15:35:05 1 four foot deep , five foot deep so you'd take a  
15:35:10 2 front-end loader , bulldozer , and scoop the ash  
15:35:14 3 out and then take it and bury it .

15:35:16 4 Q. Where would it be buried ?

15:35:19 5 A. On the dump .

15:35:20 6 Q. At a particular location ?

15:35:22 7 A. Not that I remember .

15:35:23 8 Q. Wherever land filling was going  
15:35:26 9 on ?

15:35:26 10 A. Right .

15:35:28 11 Q. Did anyone ever sample the ash ?

15:35:31 12 A. I don't believe so .

15:35:32 13 Q. So every three or four months , the  
15:35:45 14 air curtain destructor would be shoveled out  
15:35:48 15 with a -- you said a bulldozer ?

15:35:50 16 A. Right . With a bucket on it .

15:35:52 17 Q. Uh-huh . And how deep did you say  
15:35:54 18 the ash was at that point , three to four feet ?

15:35:57 19 A. It was probably three to four feet  
15:35:59 20 deep .

15:35:59 21 Q. And then how much -- and would the  
15:36:02 22 bulldozer then dump it into a truck or would it  
15:36:07 23 carry it over --

15:36:08 24 A. Carry it over to wherever it was  
15:36:10 25 going to dump it .

15:36:11 1 Q. Who was the bulldozer operator ?

15:36:13 2 A. I can't remember if that was my  
15:36:17 3 father or -- I think he didn't -- his bulldozer  
15:36:21 4 didn't have a bucket on it so I think he got  
15:36:24 5 somebody that he knew . A friend of his had a  
15:36:28 6 front-end loader .

15:36:29 7 Q. So your dad had his own bulldozer ?

15:36:32 8 A. Right .

15:36:33 9 Q. Was he the main operator of his  
15:36:35 10 own bulldozer ?

15:36:36 11 A. Right .

15:36:37 12 Q. Anyone else operate it?

15:36:41 13 A. No. Occasionally for a short  
15:36:42 14 time , cousin Edward , Eddie was working there ,  
15:36:46 15 but that didn't work out too well .

15:36:49 16 Q. It didn't work out too well with  
15:36:51 17 him driving a bulldozer ?

15:36:53 18 A. Didn't work out too well with him  
15:36:55 19 working there .

15:36:55 20 Q. All right . Now , what about this  
15:36:58 21 friend that he brought in with a bucket ?

15:37:01 22 A. They had a -- they had a sand and  
15:37:06 23 gravel -- I think that's where -- I don't know  
15:37:10 24 if they were doing the gravel , but it was --  
15:37:13 25 Broadway Sand & Gravel .

15:37:13 1 Q. Right.

15:37:14 2 A. And that's who he would get to  
15:37:16 3 come over and -- because they were just down  
15:37:19 4 the street .

15:37:19 5 Q. Broadway Sand & Gravel was a  
15:37:23 6 neighboring operation ?

15:37:24 7 A. Right .

15:37:24 8 Q. And your dad would get a friend of  
15:37:30 9 his from over there to bring a bulldozer with a  
15:37:33 10 bucket on it --

15:37:34 11 A. Right .

15:37:34 12 Q. -- to shovel out the air curtain  
15:37:36 13 destructor --

15:37:37 14 A. Yeah .

15:37:38 15 Q. -- every few months ?

15:37:40 16 A. Yeah .

15:37:40 17 Q. Do you remember the name of the  
15:37:42 18 friend ?

15:37:42 19 A. He's passed . His name was --  
15:37:47 20 hell , I can't remember . Damn . Casey  
15:37:53 21 something . I can't remember .

15:37:53 22 Q. If you remember his last name , let  
15:37:57 23 us know .

15:37:57 24 A. It might have been Jones . I don't  
15:37:59 25 know why I'm thinking Casey Jones .



15:38:01 1 Q. And when you worked in the air  
15:38:13 2 curtain destructor , you worked there five days  
15:38:16 3 a week ?

15:38:16 4 A. Six .

15:38:17 5 Q. Six days .

15:38:18 6 A. Five and a half .

15:38:19 7 Q. Half a day on Saturday ?

15:38:21 8 A. I'm thinking it might have been a  
15:38:23 9 half a day on Saturday . My dad was a  
15:38:27 10 workaholic . So --

15:38:27 11 Q. He was there every day except  
15:38:29 12 Sunday ?

15:38:30 13 A. He was there . He wouldn't go  
15:38:32 14 there on Monday . But I think -- I'm not sure  
15:38:35 15 if he went there on Saturday . I know Monday he  
15:38:41 16 came downtown . I know I was there six days a  
15:38:46 17 week .

15:38:46 18 Q. Did you ever see Larry Brannon  
15:39:10 19 while at the dump , while you were working on  
15:39:13 20 the air curtain destructor ?

15:39:14 21 A. Occasionally .

15:39:15 22 Q. What did he come for ?

15:39:17 23 A. Don't have a clue .

15:39:23 24 MR. COUGHLIN: Larry , you're breaking  
15:39:24 25 up . We can't hear you .

15:39:27 1 MR. SILVER: All right .

15:39:28 2 Q. Did we talk about a rebuilding of  
15:39:33 3 the air curtain destructor at some point ?

15:39:35 4 A. Earlier we did .

15:39:36 5 Q. I forgot about that . How far did  
15:39:38 6 we get into that ?

15:39:39 7 A. We went through the whole part of  
15:39:45 8 it .

15:39:45 9 Q. Well, let's summarize it again  
15:39:47 10 because I'm not sure --

15:39:48 11 A. The original was made out of sheet  
15:39:51 12 steel and there were -- I don't know , I'm just  
15:39:54 13 assuming -- it was built on the fly and  
15:39:57 14 somebody didn't think things out too well . It  
15:40:00 15 was heavy gauge steel , I don't know , probably a  
15:40:03 16 quarter inch thick , maybe thicker . It was all  
15:40:07 17 welded and then it was dropped into the ground  
15:40:10 18 and then backfilled with gravel . Well , due to  
15:40:14 19 the extreme heat , the steel buckled , the welds  
15:40:17 20 busted , and the gravel started streaming  
15:40:19 21 through and when the thing first started out , I  
15:40:23 22 can't remember how wide it was , eight foot  
15:40:26 23 wide , twenty , twenty-five foot deep . The walls  
15:40:30 24 started caving in and it became seven foot  
15:40:34 25 wide , then six foot wide . Then that's when the

15:40:37 1 new air destructor was built .

15:40:39 2 Q. Now , were you there to observe  
15:40:41 3 what happened to the steel --

15:40:43 4 A. Right .

15:40:43 5 Q. -- side d one ?

15:40:44 6 A. I wasn't working there at the  
15:40:46 7 time , but I had seen it .

15:40:47 8 Q. Okay . So that happened before you  
15:40:50 9 started working for your dad at the dump ?

15:40:51 10 A. Right .

15:40:52 11 Q. I see . And the new one was built  
15:40:55 12 with your assistance ?

15:40:55 13 A. No .

15:40:58 14 Q. Okay . You said you worked on --

15:41:00 15 A. It was the other slab where the  
15:41:03 16 con -- where the paper was .

15:41:05 17 Q. This was the cardboard slab ?

15:41:07 18 A. Right .

15:41:08 19 Q. You worked on that slab ?

15:41:09 20 A. Right .

15:41:10 21 Q. But you didn't personally have  
15:41:12 22 anything to do with building either of the two  
15:41:15 23 air curtain destructors ?

15:41:15 24 A. No .

15:41:17 25 Q. Who did do work on the air curtain

15:41:20 1 des tructors?

15:41:21 2 A. Like I said, there was a company .

15:41:23 3 I'm thinking it was called Plibrico because

15:41:27 4 that was all contracted out . I can't -- I

15:41:29 5 don't know . That's the only thing that comes

15:41:32 6 into -- into my mind .

15:41:34 7 Q. And the new one was built without

15:41:43 8 steel sidings ?

15:41:43 9 A. Right . It was all poured

15:41:46 10 concrete , fireproof retardant, pinned with

15:41:49 11 stainless steel pins and reinforced .

15:41:52 12 Q. Did you ever pound any

15:42:48 13 transformers to get metal out yourself ?

15:42:51 14 A. No .

15:42:52 15 Q. You never did it?

15:42:52 16 A. No.

15:43:01 17 Q. Do you know what a capacitor is?

15:43:04 18 A. It's electronic .

15:43:06 19 Q. Ever see any capacitors ever

15:43:09 20 coming into the site as waste ?

15:43:10 21 A. Possibly . I don't know . I don't

15:43:15 22 know what an industrial capacitor looks like .

15:43:19 23 I just know like TV size . So, no, I don't

15:43:24 24 recall .

15:43:24 25 Q. Did any other company in addition

15:43:45 1 to DP&L have a key to the gate at the dump ?

15:43:50 2 MR. SHARETT: Speak up, please .

15:43:52 3 We're at your back . We can't hear it .

15:43:54 4 Q. Did any other company in addition  
15:43:56 5 to DP&L have a key to the gate at the dump?

15:44:01 6 A. Delco Moraine .

15:44:02 7 Q. And how do you happen to know  
15:44:04 8 that ?

15:44:04 9 A. Because I know it .

15:44:05 10 Q. You knew it ?

15:44:06 11 A. Right .

15:44:06 12 Q. Any other companies ?

15:44:07 13 A. Not that I know of .

15:44:09 14 Q. Franklin Iron & Metal ?

15:44:16 15 A. No. They would have had no  
15:44:18 16 occasion -- we talked about that earlier . I  
15:44:21 17 don't ever remember Franklin Iron & Metal  
15:44:25 18 dumping anything there . They're a recycler  
15:44:28 19 themselves . So they -- the only thing they  
15:44:30 20 would take at their facility is something that  
15:44:33 21 they're going to ship out to make money on . So  
15:44:41 22 I never saw them dump anything .

15:44:43 23 Q. Okay . Ever see Container Service s  
15:45:04 24 bringing any drums to the site ?

15:45:05 25 MR. HARBECK: Object to the form .

15:45:06 1 Leading .

15:45:07 2 Q. You can answer .

15:45:11 3 A. Probably .

15:45:11 4 Q. Can you elaborate ?

15:45:15 5 A. Just -- I don't know . You know ,

15:45:29 6 do I remember a full load of drums , no , I don't

15:45:32 7 remember a full load of drums , but there might

15:45:37 8 have been a drum in with a load of wood .

15:45:40 9 That's possible .

15:45:41 10 Q. What would happen to a drum that

15:45:46 11 was in a load of wood from Container Service ?

15:45:49 12 A. Well , it was probably empty .

15:45:51 13 MR. HARBECK: Object to the form of

15:45:53 14 the question . He hasn't testified that he

15:45:54 15 actually saw them . So you're asking him to

15:45:57 16 speculate as to what happened to a drum that he

15:45:59 17 didn't see .

15:46:00 18 Q. You can answer .

15:46:02 19 A. If I found one , I would have just

15:46:05 20 set it aside .

15:46:06 21 Q. Then what would happen with the

15:46:08 22 drum ?

15:46:08 23 MR. HARBECK: Same objection.

15:46:10 24 THE WITNESS: We would have sold it.

15:46:11 25 Q. I asked about these companies

15:47:05 1 before , but I want to be -- just to confirm .

15:47:09 2 Did you -- do you have any recall of IWD

15:47:12 3 bringing pallets to the site ?

15:47:14 4 MR. HARBECK: Object . Asked and  
15:47:16 5 answered .

15:47:16 6 Q. You can answer .

15:47:17 7 MR. HARBECK: Also leading .

15:47:19 8 Q. You can answer .

15:47:20 9 A. No .

15:47:20 10 Q. And same question for Reynolds &  
15:47:26 11 Reynolds .

15:47:27 12 MR. McCALL: Object .

15:47:27 13 Q. Any memory of Reynolds & Reynolds  
15:47:31 14 bringing pallets to the site?

15:47:33 15 MR. EDDY: We cannot hear you .

15:47:35 16 MR. SILVER: I asked if he had any  
15:47:36 17 memory of Reynolds & Reynolds bringing pallets to  
15:47:42 18 the site ?

15:47:43 19 MR. McCALL: Objection . Form .

15:47:45 20 THE WITNESS: Possibly.

15:47:45 21 Q. Elaborate on possibly .

15:47:49 22 A. If they -- you know , thinking back  
15:47:52 23 along where the -- it seems like they did; but  
15:47:57 24 if they did, it was very sporadic . I don't --  
15:48:02 25 it would have been a paper pallet, which are

15:48:07 1 huge things , heavy , sturdy because they carry  
15:48:10 2 all the paper that weighs fifteen hundred , two  
15:48:14 3 thousand pounds . So I don't -- it seems to me  
15:48:19 4 that I remember them coming in , but it wasn't  
15:48:21 5 that often . It wasn't with any great volume .

15:48:26 6 Q. Do you remember any Franklin Iron  
15:49:36 7 & Metal -- the names of any Franklin Iron &  
15:49:39 8 Metal employees ?

15:49:44 9 A. No. Like I said, I never saw any  
15:49:45 10 of their trucks at the dump .

15:49:47 11 Q. All right . I'm going to put some  
15:49:57 12 other documents in front of you mainly for the  
15:50:00 13 purposes of identification .

15:50:00 14 (Thereupon, D. Grillot Exhibit Number  
15:50:28 15 6 was marked for purposes of identification.)

15:50:28 16 Q. Okay. We're going to mark as  
15:50:30 17 David Grillot Number 6 this September 29, 1969  
15:50:44 18 letter .

15:50:44 19 (Thereupon, an off-the-record  
15:50:58 20 discussion was had.)

15:51:22 21 MR. THUMANN: Did you just say  
22 September 29, 1969?

23 MR. SILVER: September 29, 1969  
24 letter addressed to Dr. Robert Vogle. It  
25 doesn't -- it does have a Bates -- it has a



1 number -- a couple of numbers on it. I think  
2 they're numbers from --

3 MR. THUMANN: I don't -- I don't  
4 think that's been circulated.

5 MR. WINNE: Yeah. These weren't  
6 e-mailed.

7 MR. SILVER: These weren't e-mailed?

8 MR. WINNE: No.

9 MR. SILVER: Oh, I'm afraid these  
10 weren't e-mailed. We'll get them e-mailed, but  
11 not in a timely way. It's got a number 6 --

12 MR. THUMANN: What do you mean by  
13 that?

14 MR. SILVER: Excuse me?

15 MR. THUMANN: What do you -- are they  
16 being e-mailed around?

17 MR. SILVER: We didn't get them  
18 e-mailed around, but I'm just going to ask him to  
19 identify the signature. So you're not going to  
20 miss too much. It's got a number -- Bates number  
21 6 at the top and then a number below that 167671.  
22 It's one page.

15:51:48 23 Q. David, do you recognize the  
15:51:51 24 signature on this letter?

15:51:52 25 A. It's my father's.

15:51:53 1 Q. Okay . Have you ever seen this  
15:51:57 2 letter before ?

15:51:57 3 A. No.

15:52:01 4 Q. Let's move on to the next one .

15:52:01 5 (Thereupon, D. Grillot Exhibit Number  
15:52:34 6 7 was marked for purposes of identification.)

15:52:34 7 Q. David , I put in front of you David  
15:52:39 8 Grillot Exhibit Number 7 , which is also a  
15:52:44 9 one-page exhibit , and has no Bates number on  
15:52:47 10 it. It looks like an application for license  
15:52:51 11 to operate solid waste disposal site . And  
15:52:54 12 there's a date at the bottom of December 31 ,  
15:52:57 13 1968 .

15:53:01 14 Do you see a signature at the bottom ?

15:53:03 15 A. Correct .

15:53:05 16 Q. And do you recognize the  
15:53:09 17 signature ?

15:53:09 18 A. It's my father 's .

15:53:10 19 Q. Have you seen this document  
15:53:12 20 before ?

15:53:12 21 A. No.

15:53:29 22 MR. THUMANN: For the record , that  
15:53:30 23 1968 one was not circulated either .

15:53:34 24 MR. SILVER: Excuse me ?

15:53:34 25 MR. THUMANN: If you're talking about

15:53:34 1 the 1968 application --

15:53:36 2 MR. SILVER: I'm looking at an  
15:53:38 3 application that has a date at the bottom of  
15:53:40 4 December 31, 1968 .

15:53:43 5 MR. THUMANN: That's not in the  
15:53:45 6 packet that was circulated .

15:53:46 7 MR. SILVER: That's correct .

15:53:46 8 (Thereupon, D. Grillot Exhibit Number  
15:54:03 9 8 was marked for purposes of identification.)

15:54:03 10 Q. All right . This is a document --  
15:54:05 11 two-page document , no Bates number . It's an  
15:54:10 12 application for license to operate a solid  
15:54:13 13 waste disposal facility . And there's a  
15:54:16 14 signature at the bottom dated November 10 ,  
15:54:20 15 1979 . This is David Grillot Exhibit Number 8  
15:54:29 16 I'm putting in front of the witness .

15:54:33 17 David , do you recognize the signature  
15:54:39 18 at the bottom of the first page ?

15:54:42 19 A. My father 's .

15:54:43 20 Q. All right . And have you seen this  
15:54:45 21 document before ?

15:54:51 22 A. No .

15:54:51 23 MR. SILVER: All right . We can  
15:54:53 24 stipulate if everyone wants to stipulate .

15:54:57 25 MR. THUMANN: We're going to need

15:54:57 1 that one , too .

15:54:57 2 MR. SILVER: That's right. You

15:54:57 3 didn't get that one yet. Okay. We'll just go

15:55:00 4 through them.

15:55:00 5 MR. HARBECK: How many do you have ,

15:55:02 6 Larry ?

15:55:03 7 MR. SILVER: How many do we have ?

15:55:12 8 Ten and change .

15:55:13 9 MR. HARBECK: Do you want to do them

15:55:16 10 on mass , in other words, for all of these , you can

15:55:18 11 do one question ?

15:55:19 12 MR. SILVER: I'd be willing to do

15:55:20 13 that .

15:55:22 14 MR. HAUGHEY: And then ask him if he

15:55:23 15 can identify the document or if he had seen them

15:55:28 16 before , any of them .

15:55:29 17 MR. SILVER: All right . That will

15:55:31 18 move things along .

15:55:33 19 MR. THUMANN: I couldn't hear what

15:55:34 20 the proposal was . What was the proposal to do ?

15:55:37 21 MR. SILVER: Proposal was to put the

15:55:38 22 next ten or so document s in front of him and ask

15:55:41 23 him if he recognizes the signature and whether

15:55:45 24 he's seen the document before . So we'll take a

15:55:48 25 minute to organize ourselves and do it that way .

15:55:52 1 (Thereupon, a break was had.)

15:55:52 2 (Thereupon, D. Grillot Exhibit Number

16:02:10 3 9 was marked for purposes of identification.)

16:02:10 4 (Thereupon, D. Grillot Exhibit Number

16:02:10 5 10 was marked for purposes of identification.)

16:02:10 6 (Thereupon, D. Grillot Exhibit Number

16:02:11 7 11 was marked for purposes of identification.)

16:02:11 8 (Thereupon, D. Grillot Exhibit Number

16:02:11 9 12 was marked for purposes of identification.)

16:02:11 10 (Thereupon, D. Grillot Exhibit Number

16:02:12 11 13 was marked for purposes of identification.)

16:02:12 12 (Thereupon, D. Grillot Exhibit Number

16:02:13 13 14 was marked for purposes of identification.)

16:02:13 14 (Thereupon, D. Grillot Exhibit Number

16:03:41 15 15 was marked for purposes of identification.)

16:03:41 16 Q. Let me start reading into the

16:03:42 17 record what these documents are. David Grillot

16:03:46 18 9 is an application for license to operate a

16:03:49 19 solid waste disposal site. The date at the

16:03:53 20 bottom is December 7, 1972. It's a two-page

16:04:00 21 document.

16:04:01 22 David Grillot 10 is a -- also an

16:04:07 23 application for license to operate solid waste

16:04:10 24 disposal site. Two-page document. Date at the

16:04:13 25 bottom is December 10, 1973.

16:04:17 1 David Grillot 11, also an  
16:04:20 2 application for operation -- for license to  
16:04:22 3 operate a solid waste disposal site or  
16:04:25 4 facility . Date at the bottom is December 6 ,  
16:04:28 5 1974 . Also a two-page document .

16:04:30 6 David Grillot Number 12, also an  
16:04:36 7 application for license to operate a solid  
16:04:40 8 waste disposal site or facility . Date at the  
16:04:43 9 bottom is November 10, 1975 . Also a two-page  
16:04:47 10 document .

16:04:47 11 Same for David Grillot 13,  
16:04:50 12 application for license to operate a solid  
16:04:52 13 waste disposal facility . Dated November 1,  
16:04:56 14 1976 at the bottom . Two pages .

16:05:02 15 David Grillot Number 14, same  
16:05:05 16 application for license to operate a solid  
16:05:08 17 waste disposal facility . Date is November 11,  
16:05:12 18 1977 . It is also a two-page document .

16:05:18 19 David Grillot 15, an application  
16:05:21 20 for license to operate a solid waste disposal  
16:05:24 21 facility . Date at the bottom is December 27,  
16:05:27 22 1978 . It's a two-page document .

16:05:36 23 David Grillot 16 is a letter dated  
16:05:44 24 December 12, 1969 to Robert A. Vogle . A  
16:05:52 25 one-page document . Bates number at the top ,

16:05:57 1 60 7 .

16:06:01 2 David Grillot 17, Exhibit 17, is a  
16:06:06 3 one-page document dated September 2, 1969 and has  
16:06:12 4 a Bates number at the top 00 000005. Also a  
16:06:19 5 one-page document .

16:06:23 6 All right . Mr. Grillot , have you had  
16:06:26 7 a chance to review David Grillot Exhibits 9  
16:06:31 8 through 17 ?

16:06:32 9 A. Yes .

16:06:33 10 Q. Now , did you see a signature at  
16:06:39 11 the -- on each exhibit ?

16:06:42 12 A. Yes .

16:06:42 13 Q. And whose signature did you see on  
16:06:44 14 each exhibit ?

16:06:45 15 A. My father 's , Alcine Grillot .

16:06:47 16 Q. And you recognize it as his  
16:06:50 17 signature ?

16:06:50 18 A. Correct .

16:06:51 19 Q. Had you seen any of those exhibits  
16:06:56 20 prior to today , Exhibits 9 through 17 ?

16:06:56 21 A. No .

16:07:00 22 Q. Okay . Thank you .

16:07:10 23 MR. COUGHLIN: Larry , would you have  
16:07:11 24 Jennifer circulate 16 and 17, please ?

16:07:14 25 MR. SILVER: We'll get them

16:07:16 1 circulated . We'll circulate all of the exhibits  
16:07:20 2 of the deposition in the next couple days . We'll  
16:07:24 3 try to get those out a little sooner , though .  
16:07:27 4 Q. David , we were talking about a  
16:07:37 5 DP&L driver earlier today who hauled fly ash  
16:07:42 6 from Longworth .  
16:07:44 7 A. Right .  
16:07:44 8 Q. Do you know the name Davis ?  
16:07:47 9 A. That's what you said his name was .  
16:07:54 10 MR. SHARETT: Objection .  
16:07:55 11 Q. I didn't ask that . I asked do you  
16:07:59 12 know the name Davis ?  
16:08:00 13 A. Then I have to say no .  
16:08:01 14 Q. All right . That's fine .  
16:08:04 15 MR. SILVER: That's all I have . Next  
16:08:06 16 questioner . I pass the witness .  
16:08:09 17 MR. SHARETT: Are you finished ?  
16:08:11 18 MR. SILVER: I'm finished .  
16:08:15 19 MR. SHARETT: Then I certainly --  
16:08:18 20 MR. THUMANN: What was -- what --  
16:08:18 21 please repeat the question .  
16:08:20 22 MR. SILVER: I don't want to . You  
16:08:24 23 can read it in the transcript .  
16:08:28 24 MR. THUMANN: What was your question ,  
16:08:29 25 Larry ?



16:08:30 1 MR. SILVER: I asked him if he  
16:08:31 2 recognized the driver named Davis for DP&L and he  
16:08:37 3 said no.

16:08:37 4 CROSS-EXAMINATION

16:08:51 5 BY MR. McCALL:

16:08:51 6 Q. Mr. Grillot , my name is Duke  
16:08:54 7 McCall . I represent Reynolds & Reynolds  
16:08:56 8 Company . I just have a few questions for you .

16:08:58 9 I want to start with the question  
16:09:00 10 that we just ended with . You mentioned that  
16:09:02 11 you --

16:09:50 12 (Thereupon, an off-the-record  
16:09:50 13 discussion was had.)

16:09:51 14 Q. Mr. Grillot , again , my name is  
16:09:53 15 Duke McCall . I represent Reynolds & Reynolds  
16:09:57 16 Company . I just have a few follow-up questions  
16:09:59 17 for you .

16:09:59 18 I want to start with a topic you  
16:10:01 19 just touched on a moment ago with Mr. Silver .  
16:10:04 20 You indicated that he told you the name of a  
16:10:06 21 DP&L driver . The individual 's name was Davis .  
16:10:09 22 When did you have this conversation with  
16:10:11 23 Mr. Silver ?

16:10:11 24 A. Prior to today .

16:10:13 25 Q. Can you tell me -- you said prior

16:10:17 1 to today . Was that earlier this morning or at  
16:10:19 2 some point --

16:10:20 3 A. Earlier this morning .

16:10:21 4 Q. Did you discuss with Mr. Silver  
16:10:23 5 any other companies at that time ?

16:10:23 6 A. No.

16:10:32 7 Q. Today , originally , when you were  
16:10:33 8 asked whether you remembered any disposal at  
16:10:35 9 the dump by Reynolds & Reynolds Company , you  
16:10:38 10 testified not that I can recall . Do you recall  
16:10:40 11 that testimony ?

16:10:41 12 A. Right .

16:10:41 13 Q. And you were specifically followed  
16:10:46 14 up with a question from Mr. Silver and you were  
16:10:49 15 asked do you remember anything about them and  
16:10:51 16 your answer was no , correct ?

16:10:52 17 A. Right .

16:10:53 18 Q. Subsequently , when Mr. Silver came  
16:10:56 19 back and asked you again a third time about  
16:11:00 20 Reynolds & Reynolds , you said it's possible  
16:11:01 21 they sent pallets to the site . Is that  
16:11:04 22 correct ? Is that what you testified to?

16:11:06 23 A. Right .

16:11:07 24 Q. And you further stated if they  
16:11:09 25 did , it was very sporadic and you mentioned

16:11:12 1 paper pallets in particular . Do you recall  
16:11:14 2 that ?

16:11:14 3 A. Right .

16:11:15 4 Q. Are you aware that other companies  
16:11:17 5 sent -- other paper companies sent waste to the  
16:11:20 6 site ?

16:11:20 7 A. No.

16:11:21 8 Q. You are not aware of that ?

16:11:21 9 A. No.

16:11:24 10 Q. You specifically recall -- let me  
16:11:28 11 ask you the question a different way .

16:11:30 12 A. Why do I remember the paper  
16:11:32 13 pallets ? There was a man , an older gentleman ,  
16:11:35 14 that would come and pick those up and then  
16:11:38 15 resell them . But I think at that time , that  
16:11:41 16 had to be prior to -- prior to '70 . It was  
16:11:48 17 prior to me working there . But he was a  
16:11:53 18 real -- real affable man and -- like  
16:11:57 19 seventy-five years old and wheeling these paper  
16:12:00 20 pallets around like they were match sticks .

16:12:04 21 Q. Let me ask you this question ,  
16:12:08 22 Mr. Grillot . You don't specifically remember  
16:12:11 23 Reynolds & Reynolds delivering any pallets to  
16:12:14 24 the South Dayton dump , do you ?

16:12:15 25 A. Do I specifically , no .

16:12:21 1 MR. McCALL: I have no further  
16:12:22 2 questions .

16:12:22 3 CROSS-EXAMINATION

16:12:24 4 BY MR. SHARETT:

16:12:24 5 Q. Good afternoon Mr. Grillot . My  
16:12:28 6 name is Anthony Sharett . I'm an attorney for  
16:12:31 7 Dayton Power and Light . I'm going to ask you a  
16:12:35 8 few questions here today . Hopefully I won't  
16:12:38 9 take too long .

16:12:39 10 In preparation for your deposition  
16:12:41 11 here today , who did you speak with ?

16:12:43 12 A. Larry and Bill Walsh .

16:12:48 13 Q. Okay . We'll take those one at a  
16:12:50 14 time . We'll start with Bill Walsh . Who's  
16:12:53 15 that ?

16:12:53 16 A. He's the investigator .

16:12:54 17 Q. Investigator for who ?

16:12:57 18 A. You would know that more than I  
16:12:59 19 would .

16:12:59 20 Q. Did he say who he was working for ?

16:13:01 21 A. For some plaintiffs .

16:13:03 22 Q. Okay . Would it be the plaintiffs  
16:13:05 23 in this lawsuit ?

16:13:06 24 A. You have to tell me . You know ,  
16:13:10 25 I -- I don't know . I would assume .

16:13:12 1 Q. When did you meet with Mr. Walsh ?

16:13:15 2 A. I met with him -- I don't know --

16:13:22 3 two -- two or three times these past few years .

16:13:26 4 Q. When was the first time you met

16:13:27 5 with him ?

16:13:28 6 A. I don't know .

16:13:29 7 Q. Last year ?

16:13:29 8 A. I don't know .

16:13:30 9 Q. Two years ago ?

16:13:31 10 A. Somewhere in that range .

16:13:32 11 Q. And where did you meet with him ?

16:13:34 12 A. He came to my house .

16:13:35 13 Q. And how long did you meet with

16:13:38 14 him ?

16:13:38 15 A. Fifteen minutes , twenty minutes .

16:13:42 16 Q. What questions did he ask you ?

16:13:43 17 A. Sir , I don't know .

16:13:49 18 Q. Sir , you've remembered things that

16:13:51 19 occurred forty years ago , correct ?

16:13:53 20 A. He asked me the same kinds of

16:13:55 21 questions that you asked me today .

16:13:57 22 Q. And what are those questions ?

16:13:59 23 A. Who dumped there , who was this , do

16:14:02 24 you remember this , do you remember that . You

16:14:05 25 know , a litany --

16:14:06 1 Q. A litany of questions ?

16:14:07 2 A. Right .

16:14:07 3 Q. And when he asked you who dumped  
16:14:09 4 there , where is there?

16:14:12 5 A. At my father 's landfill .

16:14:13 6 Q. The South Dayton Dump ?

16:14:15 7 A. Right .

16:14:16 8 Q. And what did you tell him?

16:14:18 9 A. I told him who I could remember .

16:14:21 10 Q. Are those the same companies that  
16:14:24 11 you've discussed here today ?

16:14:26 12 A. Yeah .

16:14:27 13 Q. You met with him a second time ?

16:14:28 14 A. Right .

16:14:29 15 Q. When was that ?

16:14:30 16 A. I don't -- you know , I don't keep  
16:14:34 17 a calendar of that . A year ago , six months  
16:14:37 18 ago .

16:14:37 19 Q. Was it in 2014 ?

16:14:39 20 A. I don't think I met with him this  
16:14:46 21 year . By phone maybe . I don't know .

16:14:52 22 Q. The second time that you met with  
16:14:54 23 him , was it at your house ?

16:14:55 24 A. Yeah .

16:14:56 25 Q. What did you discuss during that

16:14:57 1 meeting ?

16:14:57 2 A. You're asking me to remember one  
16:15:01 3 conversation of fifteen minute s long and I --

16:15:04 4 Q. You've remembered things that  
16:15:06 5 happened forty years , so I figure d you'd  
16:15:09 6 remember something that happened within a year .

16:15:11 7 A. I remember stuff that happened  
16:15:13 8 forty years ago that were repetitive , day by  
16:15:17 9 day by day . You're asking for one conversation  
16:15:21 10 fifteen minutes long and by lack of three  
16:15:23 11 hundred and sixty-five days with much more  
16:15:25 12 important stuff in my life than that one  
16:15:26 13 conversation . He asked me the same thing I  
16:15:28 14 just told you.

16:15:29 15 Q. Which was what ?

16:15:30 16 A. Do you remember who dumped there ,  
16:15:32 17 do you remember this , do you remember what they  
16:15:34 18 dumped , and that's it .

16:15:35 19 Q. And when he asked you do you  
16:15:37 20 remember what they dumped , what did you tell  
16:15:39 21 him ?

16:15:40 22 A. Whatever question he asked me .

16:15:42 23 Q. But you don't remember any of  
16:15:43 24 those questions ?

16:15:45 25 A. No. You know , do you remember the

16:15:48 1 fourteen --

16:15:48 2 Q. Sir, I ask the questions. Thank  
16:15:51 3 you.

16:15:51 4 A. All right.

16:15:51 5 Q. You also said that you met with  
16:15:54 6 Mr. Silver?

16:15:54 7 A. Is that Larry?

16:15:57 8 Q. Yes.

16:15:57 9 A. Yeah.

16:15:57 10 Q. And is Larry your attorney?

16:15:59 11 A. No.

16:15:59 12 Q. Are you represented by counsel  
16:16:01 13 here today?

16:16:01 14 A. No.

16:16:03 15 Q. When did you first meet with Larry  
16:16:06 16 Silver?

16:16:06 17 A. Just today.

16:16:06 18 Q. That was the first time you had  
16:16:08 19 ever spoken to him?

16:16:09 20 A. Right.

16:16:10 21 Q. Never spoken to him by telephone?

16:16:11 22 A. No.

16:16:12 23 Q. Where did you all meet?

16:16:13 24 A. Right here.

16:16:14 25 Q. In the office here?



16:16:16 1 A. In the office downstairs .

16:16:18 2 Q. Downstairs . And what did you  
16:16:24 3 discuss , because that happened today so I'm  
16:16:26 4 assuming you remember that ?

16:16:27 5 A. Correct . He asked me just a few  
16:16:34 6 basic questions , where did I work and --

16:16:38 7 Q. What else ?

16:16:39 8 A. I really -- it doesn't stand out  
16:16:46 9 in my mind . Do I remember this , do I  
16:16:50 10 remember --

16:16:51 11 Q. Sir , you see , if you can't  
16:16:53 12 remember what happened this morning , it's  
16:16:56 13 difficult for , I think , any of us to understand  
16:16:58 14 how you could remember what happened forty  
16:17:00 15 years .

16:17:01 16 A. You think --

16:17:02 17 MR. SILVER: Objection . Where's the  
16:17:03 18 question in that ?

16:17:04 19 THE WITNESS: What do you want to  
16:17:05 20 know ?

16:17:05 21 Q. Well , I'm asking you what did you  
16:17:07 22 all discuss ?

16:17:08 23 A. We talked about the weather . I  
16:17:09 24 told him about downtown Dayton .

16:17:11 25 Q. So he asked you where you worked ?

16:17:12 1 A. Right .

16:17:13 2 Q. I mean, this -- we can -- we can  
16:17:16 3 be here till tomorrow . We can bring you back .  
16:17:19 4 So I'm just asking you simple questions . You  
16:17:21 5 talked about the weather .

16:17:23 6 A. Right . We talked about downtown  
16:17:24 7 Dayton .

16:17:24 8 Q. Okay . Now we're getting  
16:17:27 9 somewhere . You talked about downtown Dayton .  
16:17:29 10 You talked about the weather . He asked you  
16:17:31 11 where you worked . What else did you discuss ?

16:17:34 12 A. We talked about the lunch we were  
16:17:35 13 having .

16:17:35 14 Q. What else ?

16:17:37 15 A. And he did -- he brought up did I  
16:17:41 16 know the driver for DP&L .

16:17:43 17 Q. Okay . And so what question --

16:17:46 18 A. And I do remember the driver , but  
16:17:47 19 I didn't know the driver 's name .

16:17:49 20 Q. What specific question did he ask  
16:17:51 21 you about DP&L ?

16:17:52 22 A. I can't remember if he asked me --  
16:17:58 23 I think it was just about do I remember the  
16:18:00 24 driver from DP&L .

16:18:01 25 Q. The driver of what ?

16:18:02 1 A. Of the fly ash . The fly ash  
16:18:09 2 truck .

16:18:09 3 Q. So Mr. Silver this morning asked  
16:18:11 4 you do you remember the name of the driver of  
16:18:16 5 the DP&L fly ash truck ; is that correct?

16:18:19 6 A. I don't know if that was the same  
16:18:21 7 words , but that's how I -- how I heard his  
16:18:25 8 name .

16:18:25 9 Q. That's how you heard it?

16:18:26 10 A. Right .

16:18:26 11 Q. And what was your answer ?

16:18:27 12 A. That I remembered him but not his  
16:18:29 13 name .

16:18:29 14 Q. What did you remember about him?

16:18:31 15 A. Friendly .

16:18:33 16 Q. Nice guy ?

16:18:34 17 A. Nice guy .

16:18:37 18 Q. What did he look like ?

16:18:38 19 A. He was a black man . Just super  
16:18:43 20 friendly .

16:18:43 21 Q. How tall was he?

16:18:45 22 A. Taller than me . I don't know .

16:18:47 23 Q. How much did he weigh  
16:18:51 24 approximately ?

16:18:51 25 A. He was average build . Not heavy .

16:18:54 1 Q. Long hair ?

16:18:54 2 A. No.

16:18:58 3 Q. Short hair ?

16:18:59 4 A. Yeah .

16:18:59 5 Q. Was he bald ?

16:19:00 6 A. I don't know . I don't remember .

16:19:06 7 Q. Did he have facial hair ?

16:19:09 8 A. Maybe a mustache . I'm not sure .

16:19:12 9 Q. What else do you remember about

16:19:14 10 him ?

16:19:14 11 A. Just super friendly .

16:19:16 12 Q. What did he wear ?

16:19:17 13 A. I don't know . DP&L uniform . I'm

16:19:24 14 unsure .

16:19:25 15 Q. How often did you see him ?

16:19:26 16 A. I don't know . I can't say . Once

16:19:34 17 a week . I don't know . A couple times a week .

16:19:37 18 I had my duties . He had his duties .

16:19:40 19 Q. Where did you see him ?

16:19:41 20 A. At the dump .

16:19:42 21 Q. And when was this ?

16:19:43 22 A. This was '70 to '73 -- or '71 to

16:19:52 23 '73 when I worked there .

16:19:53 24 Q. So you saw a person from DP&L

16:19:57 25 driving a fly ash truck for approximately two

16:19:59 1 to three years in the early '70s ?

16:20:02 2 A. Yeah .

16:20:03 3 Q. What else did you and Mr. Silver  
16:20:07 4 discuss ?

16:20:08 5 A. That's about it .

16:20:10 6 Q. He didn't ask you any questions  
16:20:14 7 about any of the other companies ?

16:20:15 8 A. Not that I recall .

16:20:16 9 Q. So the only company he asked you  
16:20:18 10 about was Dayton Power and Light?

16:20:20 11 A. Not that I -- you know , not that  
16:20:23 12 stands out , no .

16:20:24 13 Q. What else did you discuss ?

16:20:25 14 A. That's it .

16:20:27 15 Q. Nothing else ?

16:20:28 16 A. I mean, I don't know .

16:20:30 17 Q. He didn't talk to you about the  
16:20:32 18 deposition you'd be giving today ?

16:20:34 19 A. Not really .

16:20:35 20 Q. He didn't talk to you about the  
16:20:37 21 format and how this works ?

16:20:38 22 A. No .

16:20:38 23 Q. How long did you guys meet ?

16:20:42 24 A. He was probably there long enough  
16:20:46 25 to eat a sandwich .

16:20:47 1 Q. Thirty minutes ?

16:20:50 2 A. Twenty .

16:20:51 3 Q. Was anybody else present ?

16:20:53 4 A. Bill Walsh and his assistant .

16:20:57 5 Q. Who else did you talk with about

16:21:04 6 today 's deposition ?

16:21:04 7 A. No one .

16:21:05 8 Q. Didn't talk to your -- any

16:21:06 9 relatives about today ?

16:21:06 10 A. No.

16:21:08 11 Q. Nobody ?

16:21:08 12 A. There was -- a week ago , there was

16:21:15 13 an investigator . I think he was connected with

16:21:19 14 Coca-Cola .

16:21:20 15 Q. What was his name ?

16:21:21 16 A. I can't remember his name .

16:21:22 17 Q. How did you -- where did you speak

16:21:27 18 with him ?

16:21:28 19 A. At a Frisch's restaurant .

16:21:30 20 Q. Which one ?

16:21:31 21 A. South Dixie .

16:21:33 22 Q. What day was that ?

16:21:36 23 A. Whatever a week ago this past

16:21:39 24 Saturday was . Or wait a minute . Maybe --

16:21:50 25 maybe it was just this past Saturday .

16:21:53 1 Q. Did he pay for your lunch ?

16:21:58 2 A. Breakfast .

16:21:59 3 Q. Did he pay for it ?

16:22:00 4 A. Uh-huh .

16:22:01 5 Q. Do you remember what you had ?

16:22:02 6 A. I had the buffet .

16:22:04 7 Q. Nice . How long did you guys meet ?

16:22:07 8 A. Maybe half hour .

16:22:11 9 Q. What did he ask you ?

16:22:13 10 A. What I knew about -- like work

16:22:19 11 history , you know , starting from the beginning

16:22:23 12 and then we got up to Coca-Cola . And then he

16:22:26 13 asked me if I knew somebody at Coca-Cola , and

16:22:30 14 he said they said hello . So then I said do

16:22:34 15 you -- you already know that I worked at Coke ,

16:22:37 16 and he said yes . So then he asked me what I

16:22:39 17 knew about Coca-Cola and the dump .

16:22:42 18 Q. What did you tell him ?

16:22:43 19 A. I said the only thing I know about

16:22:46 20 Coke is the one time that we picked up bottles .

16:22:49 21 Q. So you talked to the investigator

16:22:54 22 and you talked to Mr. Silver , you spoke to the

16:22:57 23 Coca-Cola investigator . Who else did you talk

16:23:00 24 to about today 's deposition ?

16:23:01 25 A. No one else .

16:23:02 1 Q. Spouse ?

16:23:03 2 A. Not really . She didn't even know  
16:23:07 3 I was coming here today .

16:23:08 4 Q. When did you tell her you were  
16:23:10 5 coming here ?

16:23:11 6 A. When I called her on our break .

16:23:14 7 Q. What did she say?

16:23:15 8 A. She thought I was at the house  
16:23:17 9 someplace .

16:23:17 10 Q. Did you tell her you may be late ?

16:23:22 11 A. I leave a mark , don't I?

16:23:23 12 Q. Okay. What about any other  
16:23:27 13 relatives ? Did you talk to anybody else about  
16:23:30 14 today 's deposition ?

16:23:30 15 A. No.

16:23:34 16 Q. Any relatives that have already  
16:23:35 17 been deposed in this case ?

16:23:37 18 A. No. I haven't talked to them ,  
16:23:39 19 anyone that's been deposed .

16:23:40 20 Q. Why not ?

16:23:43 21 MR. SILVER: Objection .

16:23:43 22 THE WITNESS: Well , one , I don't even  
16:23:45 23 know where he's at . And the other one , his phone  
16:23:48 24 number , I don't think is working .

16:23:51 25 Q. And who are these two people



16:23:54 1 you're talking about ?

16:23:54 2 A. Eddie and Mike Wendling . Eddie

16:23:57 3 Grillot and Mike Wendling .

16:23:58 4 Q. When was the last time you talked  
16:24:00 5 to Eddie Grillot ?

16:24:01 6 A. Shit . A year ago .

16:24:03 7 Q. Where was that ?

16:24:04 8 A. Him and Mike came over and did  
16:24:07 9 some work for me , some concrete work .

16:24:09 10 Q. Where at ?

16:24:12 11 A. At my house .

16:24:13 12 Q. Where's that located ?

16:24:14 13 A. On Bonnie Birch Court , 2250 .

16:24:20 14 Q. What city ?

16:24:20 15 A. Dayton .

16:24:21 16 Q. So you haven't talked to Ed about  
16:24:29 17 the fact that you're sitting for a deposition  
16:24:31 18 here today ?

16:24:31 19 A. No.

16:24:35 20 Q. Talked to anybody else about  
16:24:37 21 today 's deposition ?

16:24:37 22 A. No.

16:24:43 23 Q. Do you remember anything else that  
16:24:44 24 you and Mr. Silver talked about this morning ?

16:24:44 25 A. No.

16:25:04 1 Q. The companies that dumped at the  
16:25:06 2 dump , geographically speaking , where did they  
16:25:10 3 come from ?

16:25:11 4 A. Basically Dayton .

16:25:15 5 Q. Do you personally know if any  
16:25:20 6 companies that are located outside of Dayton  
16:25:23 7 dumped at the dump ?

16:25:24 8 A. That are not based in Dayton you  
16:25:28 9 mean ?

16:25:30 10 Q. Correct .

16:25:30 11 A. No .

16:25:30 12 Q. Did you have any independent  
16:25:32 13 haulers bring things to the dump ?

16:25:34 14 A. Oh, I'm sure .

16:25:37 15 Q. And could they have picked up  
16:25:40 16 things from cities outside of Dayton ?

16:25:42 17 A. I -- well , I guess they could .

16:25:49 18 Q. It's possible , right ?

16:25:50 19 A. It's possible .

16:25:51 20 Q. So you don't know of any companies  
16:25:59 21 that may have dumped at the dump that came from  
16:26:02 22 outside of the Dayton area ?

16:26:02 23 A. No.

16:26:10 24 Q. But it's possible ? Right ?

16:26:14 25 A. Right .

16:26:14 1 Q. So what do you know about Dayton  
16:26:23 2 Power and Light?

16:26:23 3 A. I pay them a lot of money .

16:26:25 4 Q. Are you speaking through your  
16:26:33 5 utility payment , sir?

16:26:34 6 A. Right .

16:26:35 7 Q. So you are a DP&L customer ?

16:26:38 8 A. Right .

16:26:38 9 Q. How long have you been a DP&L  
16:26:43 10 customer ?

16:26:44 11 A. Myself ? God , I don't know , forty  
16:26:49 12 years .

16:26:49 13 Q. How are your utility bills these  
16:26:53 14 days ?

16:26:53 15 A. The past two months have been kind  
16:26:57 16 of pleasant.

16:26:57 17 Q. Okay . What about before that ?

16:26:59 18 A. You don't want to know .

16:27:01 19 Q. Well, I do . So tell me .

16:27:03 20 A. Like four hundred .

16:27:08 21 Q. Is that high ?

16:27:08 22 A. Yeah , for me .

16:27:09 23 Q. What else do you know about Dayton  
16:27:19 24 Power and Light besides the fact that you're a  
16:27:22 25 utility customer ?

16:27:23 1 A. Well , they're an energy company .

16:27:25 2 Q. Okay . What else ?

16:27:26 3 A. Basically it . They provide my  
16:27:33 4 energy .

16:27:34 5 Q. When did you first hear of the  
16:27:38 6 company Dayton Power and Light?

16:27:41 7 A. I'd say through the dump . You  
16:27:49 8 know , why would a teenager worry about where  
16:27:52 9 mom and dad pays their utilities ?

16:27:55 10 Q. That's a good point there . So you  
16:27:58 11 say you first heard about them through the  
16:28:01 12 dump ?

16:28:01 13 A. And beside s that , their service  
16:28:03 14 yard was right across the street from the dump  
16:28:06 15 so I would see that. So it's somehow connected  
16:28:07 16 with the dump .

16:28:08 17 Q. Your father 's name was Alcine ,  
16:28:08 18 correct?

16:28:10 19 A. Right .

16:28:10 20 Q. Did he ever talk to you about  
16:28:12 21 Dayton Power and Light?

16:28:13 22 A. Not really .

16:28:14 23 Q. Anything at all ?

16:28:17 24 A. Just that he couldn't get a rate  
16:28:23 25 increase .

16:28:23 1 Q. When you're talking about he  
16:28:25 2 couldn't get a rate increase , explain that to  
16:28:28 3 me .

16:28:28 4 A. It just seems to me that he was  
16:28:30 5 a -- that they were on a flat rate . I don't  
16:28:33 6 know why -- nine fifty a month sounds -- sounds  
16:28:39 7 what it was . And that was unlimited --  
16:28:42 8 unlimited trucks coming in , just a flat rate .  
16:28:48 9 And I just remember that he couldn't get them  
16:28:51 10 to go up any after being at nine fifty for  
16:28:54 11 years and years and years .

16:28:56 12 Q. So just to be clear , your  
16:28:58 13 recollection is that the monthly fee that the  
16:29:04 14 dump charge d for DP&L to be allowed to dump was  
16:29:08 15 nine hundred and fifty dollars a month ?

16:29:09 16 A. Uh-huh .

16:29:10 17 Q. And that was a flat rate for  
16:29:12 18 dumping ?

16:29:12 19 A. Right .

16:29:12 20 Q. You understand that that was the  
16:29:15 21 case , at least the whole time that you were  
16:29:17 22 there?

16:29:19 23 A. Yeah . Now whether or not he got  
16:29:20 24 an increase , I don't know .

16:29:22 25 Q. But you know that at least you

16:29:24 1 recall having conversations with your father  
16:29:26 2 about the rate ?

16:29:29 3 A. No. I don't -- I never had  
16:29:30 4 conversations about the rate . I just overheard  
16:29:32 5 it .

16:29:32 6 Q. You overheard it .

16:29:34 7 A. Right .

16:29:34 8 Q. And who did you overhear talking  
16:29:36 9 about that ?

16:29:37 10 A. Probably him and my mother .

16:29:38 11 Q. Was he upset with DP&L ?

16:29:42 12 A. No .

16:29:42 13 Q. Did he consider them to be a good  
16:29:45 14 customer ?

16:29:45 15 A. Yeah .

16:29:45 16 Q. Was he friendly with DP&L ?

16:29:48 17 A. As far as I know .

16:29:52 18 Q. You don't have any reason to  
16:29:53 19 believe that he wasn't ?

16:29:54 20 A. No .

16:29:54 21 Q. What about your uncle ? What's his  
16:29:59 22 name again ?

16:29:59 23 A. Kenny .

16:30:00 24 Q. Did you ever hear Kenny talk about  
16:30:04 25 Dayton Power and Light at all ?

16:30:04 1 A. No.

16:30:07 2 Q. I know you've talked about this  
16:30:09 3 earlier , but it's been a long day . What did  
16:30:12 4 your uncle do at the dump ?

16:30:14 5 A. He stayed in the office and  
16:30:16 6 tinkered with metal . And then when a truck  
16:30:19 7 would come in , he'd either get them to sign  
16:30:24 8 something or if it was a cash deal , then he'd  
16:30:27 9 take the cash and tell them where to put it.  
16:30:30 10 So more or less gatekeeper , I guess , is the way  
16:30:34 11 you want to put it .

16:30:35 12 Q. Do you know how the dump invoiced  
16:30:39 13 people -- or companies that dumped at the site ?

16:30:41 14 A. As far as major companies ?

16:30:43 15 Q. Correct .

16:30:44 16 A. What do you mean how they  
16:30:47 17 invoiced ?

16:30:47 18 Q. Did the dump invoice companies and  
16:30:50 19 they paid the dump ? Is that how it worked --

16:30:52 20 A. Yeah .

16:30:52 21 Q. -- or did they pay in cash ?

16:30:52 22 A. No. They paid by check.

16:30:57 23 Q. But some companies paid in cash ?

16:30:59 24 A. I don't know . I think if it was  
16:31:03 25 an account , monthly account , then it would have

16:31:05 1 been check . If it was a company that comes in  
16:31:07 2 and doesn't have an account set up, then it  
16:31:10 3 would have been a cash deal . If they brought  
16:31:14 4 in a load of bricks from knocking someone 's  
16:31:18 5 patio out, that would have been a cash deal .

16:31:21 6 Q. Earlier you testified that you  
16:31:26 7 remember DP&L sending trucks to the dump to  
16:31:30 8 dump items .

16:31:31 9 A. Uh-huh .

16:31:32 10 Q. Is that a yes ?

16:31:32 11 A. Yes .

16:31:33 12 Q. What did those DP&L trucks look  
16:31:35 13 like ?

16:31:36 14 A. They were either a dump truck or  
16:31:41 15 maybe a stake bed that said DP&L on them .

16:31:44 16 Q. You have to forgive me . What's  
16:31:46 17 the difference between a dump truck and a stake  
16:31:49 18 bed ?

16:31:49 19 A. Stake bed is a flatbed truck with  
16:31:54 20 like fences going around the sides . And a dump  
16:31:58 21 truck raises up and dumps the load  
16:32:00 22 automatically .

16:32:00 23 Q. And your recollection is that you  
16:32:02 24 recall DP&L using both types of trucks to come  
16:32:05 25 to the dump ?



16:32:06 1 A. I'll say yes , but --

16:32:10 2 Q. I mean, don't -- either you know  
16:32:12 3 or you don't . Do you know ?

16:32:13 4 A. Do I know about a stake bed , I'll  
16:32:16 5 say no . Do I know about a dump truck ,  
16:32:19 6 absolutely .

16:32:19 7 Q. So you definitely remember the  
16:32:20 8 dump truck . Not sure about the flatbed ?

16:32:23 9 A. Right .

16:32:25 10 MR. SILVER: Stake bed .

16:32:27 11 MR. SHARETT: Well , he used both  
16:32:28 12 terms .

16:32:29 13 Q. The dump trucks , what color were  
16:32:32 14 they ?

16:32:32 15 A. I don't know if they were brown or  
16:32:34 16 if they were green back then .

16:32:38 17 Q. You don't remember ?

16:32:39 18 A. I'm thinking they were brown .

16:32:41 19 Q. Brown .

16:32:43 20 A. Light brown . Beige . Tan . I  
16:32:46 21 don't know . You know the colors of DP&L  
16:32:49 22 through their history . So whatever color --

16:32:51 23 Q. But I'm asking you . I want to  
16:32:53 24 know if you remember .

16:32:54 25 A. I'm thinking it was beige . You

16:32:56 1 know , light beige .

16:32:58 2 Q. And you said that DP&L was on the  
16:33:00 3 truck ?

16:33:00 4 A. Yes .

16:33:01 5 Q. Where at ?

16:33:02 6 A. On the doors .

16:33:03 7 Q. How many drivers were in the truck  
16:33:10 8 for DP&L ?

16:33:11 9 A. I believe just one .

16:33:14 10 Q. Did you ever see two ?

16:33:20 11 A. I don't know .

16:33:26 12 Q. How often did you see them at the  
16:33:32 13 dump ?

16:33:32 14 A. Well , there for a long while , till  
16:33:36 15 they -- till they quit dumping , it was daily .

16:33:39 16 Q. When did they quit dumping ?

16:33:45 17 A. I don't know .

16:33:45 18 Q. You just know that they quit ?

16:33:47 19 A. Right .

16:33:48 20 Q. How do you know that ?

16:33:49 21 A. I don't know how I know it , but  
16:33:54 22 they quit . I don't know when . I don't know  
16:33:56 23 why . I'm thinking the rate increase , but I  
16:33:59 24 know they quit .

16:34:00 25 Q. In the '70s ?

16:34:04 1 A. In the '70s , yeah , I'd say so .

16:34:07 2 Q. Early '70s ?

16:34:11 3 A. See , what came through the gate  
16:34:17 4 would just caught my eye . My job was to take  
16:34:20 5 care of that wood . So I couldn't stand there  
16:34:23 6 and window gaze all day long and see who came  
16:34:27 7 in and out of the gate every minute . So , yes ,  
16:34:31 8 I saw them . How often I saw them , I don't  
16:34:34 9 know . When they quit coming , I don't know . I  
16:34:37 10 left in '73.

16:34:37 11 Q. But your recollection is that they  
16:34:39 12 stopped dumping sometime in the '70s ?

16:34:42 13 A. Yeah .

16:34:42 14 Q. What did they dump ?

16:34:46 15 A. They dumped a lot of dirt . You  
16:34:50 16 know , if DP&L sat a pole , then they'd have the  
16:34:56 17 dirt . So they'd bring that in . And what else ,  
16:34:59 18 you know , I don't know .

16:35:03 19 Q. You had talked about -- Mr. Silver  
16:35:17 20 asked you some questions about transformers ,  
16:35:17 21 correct?

16:35:22 22 A. Uh-huh .

16:35:22 23 Q. And I believe your testimony is  
16:35:23 24 that you remember seeing transformers at the  
16:35:26 25 dump ; is that right ?

16:35:27 1 A. Right .

16:35:28 2 Q. What did they look like ?

16:35:29 3 A. Round .

16:35:30 4 Q. What else ?

16:35:32 5 A. Like a round trash can . A round  
16:35:35 6 trash can . I don't know , two foot high , three  
16:35:39 7 foot high . They had connections on the top .

16:35:41 8 Q. What color were they ?

16:35:43 9 A. It seemed to me they were gray .  
16:35:46 10 Dark gray .

16:35:46 11 Q. How often did you see them there?

16:35:49 12 A. I couldn't say .

16:35:49 13 Q. A lot ? A little ?

16:35:55 14 A. I couldn't say . You know , I saw  
16:35:57 15 them . That's all I can say .

16:35:58 16 Q. How many did you see ?

16:36:00 17 A. I didn't count .

16:36:02 18 Q. How big were they ?

16:36:06 19 A. I don't know . Some -- I don't  
16:36:10 20 know . Twelve , fourteen , sixteen inches across .  
16:36:14 21 A foot and a half , two foot tall . You know , I  
16:36:18 22 don't know .

16:36:18 23 Q. Could you pick up one yourself ?

16:36:21 24 A. I don't think so .

16:36:22 25 Q. What happened to the transformers

16:36:27 1 that were at the site ?

16:36:29 2 A. They would have been dismantled .

16:36:32 3 Q. Who would have done that ?

16:36:35 4 A. My father .

16:36:35 5 Q. What does it mean to dismantle a  
16:36:38 6 transformer ?

16:36:38 7 A. Well , there was metal , metal rods  
16:36:41 8 in there , which was probably copper . So my  
16:36:53 9 father and probably Bud , Bud Young , would knock  
16:36:56 10 them apart and get the copper out .

16:36:58 11 Q. What did they do with the copper ?

16:36:59 12 A. They recycled it .

16:37:01 13 Q. And how does that process work ?

16:37:03 14 A. You take it to the recycler , like  
16:37:07 15 Franklin Iron and you sell it to them .

16:37:10 16 Q. Did they only sell the copper ?

16:37:13 17 A. No. They sold everything.

16:37:13 18 Copper , steel , aluminum .

16:37:14 19 Q. So they pretty much sold the  
16:37:16 20 entire transformer --

16:37:17 21 MR. SILVER: Objection .

16:37:18 22 Q. -- but in parts , correct ?

16:37:21 23 MR. SILVER: Objection.

16:37:23 24 THE WITNESS: I don't know.

16:37:23 25 Q. But you know that they were

16:37:25 1 recycled?

16:37:26 2 A. I would say so .

16:37:27 3 Q. And why is that ?

16:37:33 4 A. If it was metal , it had value .

16:37:36 5 Q. Do you know how much ?

16:37:38 6 A. Back then ? No .

16:37:41 7 Q. I believe your prior testimony was  
16:37:50 8 that at least you believe that DP&L dumped the  
16:37:54 9 transformers at the site , correct?

16:37:56 10 A. Uh-huh .

16:37:56 11 Q. How do you know that ?

16:37:57 12 A. How do I know that ?

16:38:02 13 Q. That's my question .

16:38:03 14 A. I'm just putting two and two  
16:38:05 15 together .

16:38:05 16 Q. You didn't see it happen , did you ?

16:38:05 17 A. No.

16:38:15 18 Q. Isn't it possible that some other  
16:38:16 19 companies would have dumped transformers at the  
16:38:19 20 site other than DP&L ?

16:38:21 21 MR. SILVER: Objection . Calls for  
16:38:22 22 speculation .

16:38:22 23 Q. Possible ?

16:38:23 24 A. Pigs can fly . I don't know .

16:38:25 25 Q. Is that a yes or no?

16:38:27 1 A. Anything is possible .

16:38:28 2 Q. Could an independent hauler have  
16:38:37 3 brought a transformer to the site ?

16:38:39 4 MR. SILVER: Objection . Calls for  
16:38:41 5 speculation .

16:38:42 6 THE WITNESS: I would say it's  
16:38:44 7 possible .

16:38:44 8 Q. I'm sorry ?

16:38:44 9 A. It's possible .

16:38:45 10 Q. Did you ever see that happen ?

16:38:49 11 A. No . Did I notice it , no . Did I  
16:38:53 12 look for it , no .

16:38:53 13 Q. Do you know of any other companies  
16:38:57 14 that could have brought transformers to the  
16:39:00 15 site ?

16:39:00 16 A. No .

16:39:02 17 Q. What about Delco ?

16:39:03 18 A. Who ?

16:39:05 19 Q. Delco .

16:39:09 20 A. I don't know .

16:39:10 21 Q. What about GM ?

16:39:12 22 A. I don't know .

16:39:13 23 Q. Have you ever heard of a man named  
16:39:19 24 Kilgo ?

16:39:19 25 A. No .

16:39:20 1 Q. It doesn't ring a bell ?

16:39:21 2 A. What's he associated with ?

16:39:24 3 Q. I'm asking you . If you've never

16:39:26 4 heard of him , it really doesn't matter . So --

16:39:29 5 never heard the name ?

16:39:29 6 A. No.

16:39:37 7 Q. You mentioned that you heard about

16:39:40 8 PCBs in the news ; is that correct?

16:39:42 9 A. Uh-huh .

16:39:43 10 Q. What news publication did you hear

16:39:45 11 that ?

16:39:45 12 A. Most likely Dayton Daily News .

16:39:53 13 Q. Do you know or are you guessing ?

16:39:55 14 A. I don't know . Either saw the news

16:39:59 15 or read it in the paper . One of the two.

16:40:01 16 Q. When was that ?

16:40:01 17 A. Oh, God , years ago .

16:40:03 18 Q. And what do you remember saying or

16:40:04 19 hearing ?

16:40:05 20 A. PCBs are dangerous , cancerous ,

16:40:10 21 blah , blah , blah . That's what I know of it.

16:40:17 22 Q. So the story was about PCBs

16:40:19 23 generally ? I'm just asking you . Tell me in

16:40:27 24 your own words .

16:40:28 25 A. I have no clue . I know I saw it



16:40:31 1 in the paper or saw it on the news .

16:40:32 2 Q. But you don't know what was  
16:40:34 3 provided in the story ?

16:40:36 4 A. Just that it was a HAZMAT .

16:40:37 5 Q. You said that was years ago ?

16:40:49 6 A. Oh, I'd say twenty years ago at  
16:40:53 7 least .

16:40:53 8 Q. I think we were showed some dump  
16:40:59 9 receipts earlier today .

16:41:00 10 A. Uh-huh .

16:41:01 11 Q. Were those always used ?

16:41:02 12 A. I don't think those came out  
16:41:05 13 until -- till later . I think there was a  
16:41:08 14 dispute with -- I don't -- you're asking me for  
16:41:12 15 an assumption . I don't know . I don't know  
16:41:14 16 when they came out . I don't know why they were  
16:41:19 17 used . I got an assumption that they were used  
16:41:22 18 because I think some accounts were disputing  
16:41:24 19 how many -- how many loads they were being  
16:41:26 20 billed for . So they wanted a paper tracking .

16:41:29 21 Q. Did you testify earlier that DP&L  
16:41:38 22 had a key to the gate ?

16:41:41 23 A. Right .

16:41:41 24 Q. Describe the gate to me .

16:41:44 25 A. Like a swing gate , metal .

16:41:45 1 Q. How big was it? Or how long was  
16:41:49 2 it?

16:41:49 3 A. Probably thirteen , fourteen foot  
16:41:51 4 wide .

16:41:51 5 Q. And it was locked ?

16:41:53 6 A. Locked with a chain .

16:41:54 7 Q. Was the dump locked every night ?

16:41:56 8 A. Right .

16:41:57 9 Q. And what type of lock was used ?

16:42:00 10 Was it like a padlock , chain lock ?

16:42:03 11 A. Key lock .

16:42:04 12 Q. Who at DP&L had the key?

16:42:07 13 A. Oh, it would have been -- the only  
16:42:10 14 one would have been -- what's his name? Adams .

16:42:13 15 Q. I don't -- I don't know . You tell  
16:42:16 16 me . Who had it?

16:42:18 17 A. You know . You were listening .

16:42:20 18 What's his -- that brought that fly ash . He  
16:42:23 19 would have been the only one .

16:42:24 20 Q. But somebody else had -- another  
16:42:30 21 company had a key too , right ?

16:42:32 22 A. Right . The Delco Moraine drivers .

16:42:35 23 Q. Why did they have a key?

16:42:36 24 A. Because they would come in early  
16:42:38 25 also . Earlier . Come in late .

16:42:40 1 Q. Is the only driver that you  
16:42:49 2 remember from DP&L the gentleman who delivered  
16:42:51 3 the fly ash?

16:42:52 4 A. Right .

16:42:52 5 Q. Do you remember anybody else from  
16:42:58 6 DP&L ?

16:42:58 7 A. No.

16:43:13 8 Q. Did you recall anyone even from  
16:43:15 9 DP&L delivering fly ash before you met with  
16:43:18 10 Mr. Silver today ?

16:43:20 11 A. I don't know .

16:43:21 12 Q. You don't know ?

16:43:25 13 A. Anybody besides the gentleman ?

16:43:28 14 Q. Did you -- would you have even  
16:43:30 15 remembered somebody from DP&L delivering  
16:43:33 16 anything --

16:43:33 17 A. Oh, yeah .

16:43:34 18 Q. You would have ? Okay .

16:43:39 19 A. Like I said, he was always  
16:43:41 20 friendly . I could walk up and talk with him .

16:43:43 21 Q. Nice guy .

16:43:50 22 MR. SILVER: Is that a question ?

16:43:52 23 MR. SHARETT: Was that an objection ?

16:43:54 24 MR. SILVER: Yes .

16:44:19 25 MR. SHARETT: I have nothing further

16:44:20 1 right now .

16:44:22 2 (Thereupon, an off-the-record  
16:44:22 3 discussion was had.)

16:44:22 4 CROSS-EXAMINATION

16:45:09 5 BY MS. KNOWLTON:

16:45:09 6 Q. Good afternoon , Mr. Grillot .

16:45:11 7 A. Good afternoon .

16:45:12 8 Q. My name is Leah Knowlton . I'm an  
16:45:17 9 attorney representing the Coca-Cola Company in  
16:45:19 10 this matter , Coca-Cola Refreshments in  
16:45:22 11 particular . And I want to thank you for  
16:45:24 12 sitting here with us this whole day .

16:45:27 13 Did you expect to see this many  
16:45:29 14 lawyers here ?

16:45:30 15 A. Yeah . Kind of .

16:45:33 16 Q. You did . Are you doing okay ? Do  
16:45:36 17 you need a break right now ?

16:45:39 18 A. No . It's not McDonald's . I don't  
16:45:42 19 need a break today .

16:45:43 20 Q. Now , I just want to be more clear  
16:45:49 21 about the period of time you were around the  
16:45:54 22 South Dayton Dump either as a child or teenager  
16:46:00 23 and then working .

16:46:00 24 What is the total period of time that  
16:46:02 25 you were involved in operations or scavenging

16:46:08 1 around the South Dayton Dump .

16:46:09 2 A. I don't know . Probably ten -- age  
16:46:14 3 ten to -- ten to twenty-three maybe . Eleven  
16:46:25 4 twelve , somewhere where my mom thought I was  
16:46:31 5 old enough to walk around the dump and not get  
16:46:34 6 run over or something .

16:46:35 7 Q. So about 1960 ?

16:46:37 8 A. Probably . '62 , you know --

16:46:42 9 Q. To '73 ?

16:46:43 10 A. Right . When I quit , quit working  
16:46:46 11 there .

16:46:55 12 Q. During the time that you were  
16:46:57 13 around the South Dayton Dump & Landfill , either  
16:47:00 14 as a child or working , do you recall there  
16:47:05 15 being a Coca-Cola vending machine at the dump ?

16:47:08 16 A. Uh-huh .

16:47:09 17 Q. Where was that machine ?

16:47:10 18 A. It was in the trailer .

16:47:12 19 Q. And that is the trailer where --

16:47:21 20 A. What the office was in .

16:47:22 21 Q. Where the office was . Okay . Do  
16:47:26 22 you recall what color that machine was painted ?

16:47:30 23 A. Red and white .

16:47:33 24 Q. Was it always red and white ?

16:47:35 25 A. Right .

16:47:36 1 Q. What types of Coke products did  
16:47:39 2 it --

16:47:39 3 A. Coke .

16:47:40 4 Q. -- stock ? Just Coke ?

16:47:42 5 A. Just Coke .

16:47:42 6 Q. And were they in bottles ?

16:47:46 7 A. Six and a half ounce bottle .

16:47:49 8 Q. How was that machine refilled ?

16:47:52 9 A. Driver . The driver would bring  
16:47:56 10 the pop , then we would fill the machine .

16:47:59 11 Q. So a driver who brought the Coke  
16:48:04 12 bottles was from Coca-Cola ?

16:48:06 13 A. Right .

16:48:06 14 Q. And was that from the Dayton  
16:48:08 15 Coca-Cola bottling plant ?

16:48:10 16 A. Correct .

16:48:11 17 Q. Did you know any of those drivers ?

16:48:13 18 A. I knew him .

16:48:14 19 Q. Who was that ?

16:48:14 20 A. His name was Wayne Wheeler.

16:48:17 21 Q. So a certain delivery truck driver  
16:48:24 22 named Wayne Wheeler delivered Coca-Cola s to the  
16:48:30 23 dump to stock that vending machine ?

16:48:32 24 A. Right .

16:48:33 25 Q. When you were at the dump , either

16:48:40 1 as a child or through the period of time you  
16:48:43 2 worked there , did you ever see Coca-Cola trucks  
16:48:50 3 delivering waste to the landfill ?

16:48:51 4 A. Never saw any trucks . The only  
16:48:53 5 time I saw any evidence was when I -- when we  
16:48:59 6 talked about gathering the bottles and the  
16:49:01 7 shelves.

16:49:01 8 Q. So in that one incident that you  
16:49:05 9 mentioned earlier today , you saw bottles and I  
16:49:10 10 think you said shelving ; is that correct?

16:49:13 11 A. The pop cases . The wooden shelves  
16:49:16 12 that the bottles went into .

16:49:18 13 Q. So you saw bottles and the cases  
16:49:22 14 on the ground ?

16:49:23 15 A. Right .

16:49:23 16 Q. But you didn't see a truck dump it  
16:49:27 17 there?

16:49:27 18 A. No .

16:49:27 19 Q. The delivery driver , Mr. Wayne  
16:49:45 20 Wheeler , did he drive a Coca-Cola truck --

16:49:49 21 A. Right .

16:49:49 22 Q. -- to deliver soft drinks ? What  
16:49:53 23 did his truck look like ?

16:49:54 24 A. I imagine red and white . That's  
16:49:57 25 what they were when I started there . So I

16:49:59 1 don't know if they were yellow -- yellow and  
16:50:05 2 white back then . I don't know .

16:50:07 3 Q. So for what period of time did a  
16:50:13 4 driver from Coca-Cola deliver Cokes to the  
16:50:19 5 office there at the South Dayton Dump ?

16:50:21 6 A. God , I don't know . I know '6 --  
16:50:26 7 '60 . '60 till -- God . A good ten -- ten ,  
16:50:37 8 twelve , thirteen years probably .

16:50:40 9 Q. So around 1960 you said or so?

16:50:44 10 A. Probably '60 . Maybe prior to  
16:50:47 11 that . I'm not sure . Up until they made a  
16:50:52 12 final move on the office . Then I think it just  
16:50:56 13 went to a refrigerator because the business  
16:50:59 14 wasn't that -- enough to have the machine .

16:51:00 15 Q. Do you know when the machine was  
16:51:01 16 taken away ?

16:51:01 17 A. No .

16:51:08 18 Q. Did they take the Coca-Cola  
16:51:10 19 vending machine away while you were working  
16:51:14 20 there?

16:51:15 21 A. No .

16:51:15 22 Q. So you testified earlier that you  
16:51:22 23 worked for the Dayton Coca-Cola Bottling  
16:51:26 24 Company , correct?

16:51:27 25 A. Correct .



16:51:27 1 Q. And as I recall , you said you  
16:51:31 2 worked in the operations , in the production  
16:51:39 3 facility first ?

16:51:40 4 A. I first started out sorting  
16:51:46 5 bottles , putting Coke bottles in Coke cases and  
16:51:50 6 separating them all . Then I went into the  
16:51:52 7 production . And then from the production , then  
16:51:55 8 I went out to the routes .

16:51:56 9 Q. So then you became a truck driver ?

16:52:00 10 A. Right .

16:52:00 11 Q. That's what you mean . Can you  
16:52:06 12 describe the types of trucks that were used at  
16:52:08 13 the Dayton Coca-Cola bottling plant when you  
16:52:13 14 began working there ?

16:52:14 15 A. At first everything was a side  
16:52:16 16 load truck . You probably know what I'm talking  
16:52:18 17 about .

16:52:18 18 Q. Well, is it a -- was it a truck  
16:52:25 19 that had open bays ?

16:52:27 20 A. No, slide up and down bays . Like  
16:52:28 21 a roll -up garage door .

16:52:30 22 Q. Roll -up metal doors ?

16:52:31 23 A. Metal door . Usually twelve bays .  
16:52:39 24 Twelve doors on a -- six on a side . Then they  
16:52:41 25 graduated to going to semis , a tractor pulling

16:52:49 1 a trailer that had fourteen bays -- seven,  
16:52:54 2 fourteen, and sixteen bays to put pop in.

16:52:57 3 Q. In the early years that you were a  
16:52:59 4 truck driver, what color were the trucks?

16:53:00 5 A. Red and white. Red, white  
16:53:06 6 stripes.

16:53:06 7 Q. Were there any yellow and red  
16:53:10 8 trucks used when you began working at the  
16:53:12 9 Dayton plant?

16:53:14 10 A. Not that I -- not that I remember.  
16:53:23 11 I don't remember any yellow and white.

16:53:26 12 Q. Do you recall whether any of the  
16:53:28 13 other trucks had open bay sides with canvas  
16:53:32 14 roll-up flaps?

16:53:32 15 A. No.

16:53:33 16 Q. Do you -- you don't recall whether  
16:53:36 17 that was true or --

16:53:37 18 A. No.

16:53:37 19 Q. Or --

16:53:39 20 A. We didn't have any.

16:53:40 21 Q. You didn't have any at that plant?

16:53:40 22 A. No.

16:53:42 23 Q. So you began working there at  
16:53:45 24 about 197 --

16:53:48 25 A. '79.

16:53:49 1 Q. And at that time , they were metal  
16:53:53 2 roll -up --

16:53:53 3 A. Yeah . Metal doors .

16:53:55 4 Q. When you worked at the Coca-Cola  
16:54:12 5 bottling plant , were you aware of another  
16:54:16 6 Coca-Cola franchise in the area named Belton ?

16:54:20 7 MR. SILVER: What was the name ?

16:54:24 8 MS. KNOWLTON: Belt on .

16:54:25 9 THE WITNESS: No .

16:54:25 10 Q. When you serve d as a truck driver  
16:54:27 11 for the Coca-Cola bottling plant , did you ever  
16:54:31 12 take waste from that bottling plant to the  
16:54:36 13 South Dayton dump ?

16:54:36 14 A. No .

16:54:37 15 Q. Did you ever see anyone else at  
16:54:40 16 the Coca-Cola bottling plant take waste to the  
16:54:46 17 South Dayton Dump?

16:54:46 18 A. No .

16:54:46 19 Q. Did anyone at the Coca-Cola  
16:54:50 20 bottling plant ever tell you that they took  
16:54:53 21 waste from the plant to that dump ?

16:54:53 22 A. No .

16:54:59 23 Q. Did you ever personally observe  
16:55:01 24 any Coca-Cola trucks dumping waste at the South  
16:55:06 25 Dayton Dump ?

16:55:06 1 A. No.

16:55:11 2 Q. Do you know whether any members of  
16:55:12 3 your family have -- had been involved in  
16:55:18 4 lawsuits over the South Dayton Dump ?

16:55:18 5 A. No.

16:55:23 6 Q. You don't know if they have ?

16:55:25 7 A. Not that I've heard .

16:55:27 8 Q. Have any members of the Grillot  
16:55:30 9 family been sued over the South Dayton Dump ?

16:55:34 10 A. Not that I know of .

16:55:50 11 MS. KNOWLTON: Thank you . I have no  
16:55:51 12 further questions .

16:55:51 13 CROSS-EXAMINATION

16:57:22 14 BY MS. RHINEHART:

16:57:22 15 Q. Mr. Grillot -- everybody okay on  
16:57:29 16 the phone ?

16:57:29 17 (Thereupon, an off-the-record  
16:57:29 18 discussion was had.)

16:57:40 19 Q. Mr. Grillot , my name is Erin  
16:57:41 20 Rinehart . I represent Cox Media Group Ohio .

16:57:44 21 Any reason that you're unable to give  
16:57:46 22 truthful and accurate testimony ?

16:57:47 23 A. No .

16:57:48 24 Q. You're still doing okay ?

16:57:50 25 A. Yeah .

16:57:50 1 Q. When you met Bill Walsh the  
16:57:53 2 last -- you said it was two times that you had  
16:57:55 3 met with Mr. Walsh ; is that correct?

16:57:57 4 A. I believe so.

16:57:58 5 Q. Did you know Mr. Walsh personally ?

16:57:58 6 A. No.

16:58:01 7 Q. That was the first time you had  
16:58:02 8 ever met him?

16:58:03 9 A. Right .

16:58:03 10 Q. Did Mr. Walsh ever ask you about  
16:58:06 11 Cox Media Group Ohio ?

16:58:06 12 A. No.

16:58:09 13 Q. Did he ever ask you about the  
16:58:10 14 Dayton Daily News ?

16:58:10 15 A. No.

16:58:12 16 Q. Did he ever ask you about the  
16:58:15 17 Journal Herald ?

16:58:15 18 A. No .

16:58:15 19 Q. Are you familiar with what the  
16:58:18 20 Journal Herald is -- or was ?

16:58:18 21 A. Right .

16:58:19 22 Q. What was it?

16:58:20 23 A. Morning paper .

16:58:22 24 Q. Correct . And then you had  
16:58:23 25 mentioned the Dayton Daily News earlier. And

16:58:27 1 that's the local newspaper in Dayton , correct?

16:58:29 2 A. Correct .

16:58:29 3 Q. And when you talked to Mr. Silver ,  
16:58:31 4 was it just the one time today ? Larry .

16:58:35 5 A. Larry , yes .

16:58:36 6 Q. And did Larry ask you about the  
16:58:39 7 Dayton Daily News ?

16:58:40 8 A. I don't think so .

16:58:41 9 Q. What about the Journal Herald ?

16:58:41 10 A. No.

16:58:44 11 Q. When you met with Mr. Walsh , did  
16:58:45 12 he tell you that you had to meet with him?

16:58:49 13 A. No. He asked .

16:58:49 14 Q. And you met with him voluntarily ?

16:58:51 15 A. Right .

16:58:52 16 Q. Why did you meet with him  
16:58:53 17 voluntarily ?

16:58:54 18 A. Because if somebody has a question  
16:58:57 19 for me , I'll answer it. You know , the EPA , you  
16:59:01 20 know , has talked to me two or three , four  
16:59:04 21 times , five times through the years .

16:59:06 22 Q. Do you recall who from the EPA  
16:59:09 23 that you've talked to?

16:59:10 24 A. Only thing is the lady 's name was  
16:59:12 25 Margaret . And I think she's retired or

16:59:15 1 something . I think that was about the first  
16:59:17 2 one .

16:59:17 3 Q. When was the last time that you  
16:59:19 4 talked to someone from the EPA ?

16:59:21 5 A. I don't know . Three years ago ,  
16:59:23 6 four years ago , five years ago . It's been a  
16:59:27 7 good while .

16:59:27 8 Q. So maybe 2008 , 2009 ?

16:59:30 9 A. Maybe . I don't -- it's been --  
16:59:34 10 you know --

16:59:35 11 Q. And prior to that , when did you  
16:59:36 12 talk to the EPA ? All in the same year ? Was it  
16:59:40 13 over the course of a period of years ?

16:59:41 14 A. Through a period of years .

16:59:43 15 Q. And how long was that period ?

16:59:44 16 A. I don't know . My father died in  
16:59:48 17 '96 . So I don't know . I don't know . I just  
16:59:53 18 know they've been in contact with me .

16:59:54 19 Q. When the EPA first contacted you ,  
16:59:57 20 was it after your father had passed away ?

17:00:00 21 A. Right .

17:00:00 22 Q. And when you talked to the EPA ,  
17:00:02 23 did anyone from the EPA ever ask you about the  
17:00:05 24 Dayton Daily News or the Journal Herald ?

17:00:08 25 A. No .

17:00:08 1 Q. Do you have any recollection of  
17:00:11 2 the Dayton Daily News dumping waste at the  
17:00:12 3 South Dayton Dump ?

17:00:13 4 A. No .

17:00:14 5 Q. Do you have any recollection of  
17:00:16 6 the Journal Herald dumping waste at the South  
17:00:18 7 Dayton Dump ?

17:00:18 8 A. No .

17:00:22 9 MS. RHINEHART: I have nothing  
17:00:22 10 further . Thank you .

17:00:24 11 (Thereupon, an off-the-record  
17:00:24 12 discussion was had.)

17:00:24 13 CROSS-EXAMINATION

17:00:24 14 BY MR. MUSTO:

17:01:08 15 Q. Mr. Grillot , my name is John  
17:01:10 16 Musto . I represent the City of Dayton , Ohio .

17:01:12 17 I wanted to cut to the chase . Do you  
17:01:14 18 have any knowledge of any waste that the City of  
17:01:17 19 Dayton , Ohio , disposed of at the South Dayton  
17:01:22 20 Dump ?

17:01:22 21 A. No .

17:01:24 22 Q. You had mentioned earlier a  
17:01:26 23 Doyle's salvage yard .

17:01:28 24 A. Right .

17:01:29 25 Q. Did you ever work for Doyle ?



17:01:30 1 A. No .

17:01:30 2 Q. Can you tell me , what was Doyle 's  
17:01:33 3 name ?

17:01:33 4 A. Doyle Roberson . And it was  
17:01:41 5 R O B E R S O N or R O B E R T S O N.

17:01:46 6 Q. You had mentioned the only time  
17:01:49 7 you had gone there was to salvage auto parts ;  
17:01:52 8 is that true ?

17:01:52 9 A. He was a good friend of the family  
17:01:54 10 so I would stop in , say hello .

17:01:58 11 Q. Do you know what Doyle did for his  
17:02:05 12 business at the salvage yard ? Could you  
17:02:07 13 describe it to me ?

17:02:09 14 A. No .

17:02:09 15 Q. Do you know how many employees he  
17:02:11 16 had there?

17:02:11 17 A. No .

17:02:11 18 Q. Did you ever know anyone other  
17:02:14 19 than Doyle that worked there?

17:02:18 20 A. No . Not that I could name , no .

17:02:21 21 Q. You had mentioned that you thought  
17:02:29 22 that there were some abandoned vehicles that  
17:02:31 23 were stored there at Doyle's .

17:02:34 24 A. City tows.

17:02:34 25 Q. Which city ?

17:02:36 1 A. I believed it was Dayton .

17:02:39 2 Q. What led you to believe that there  
17:02:40 3 were City of Dayton tows stored at Doyle's  
17:02:44 4 salvage yard ?

17:02:45 5 A. By the markings in the wind shield .

17:02:47 6 Q. And what was the marking on the  
17:02:51 7 windshield ?

17:02:52 8 A. ABV, then a date .

17:02:56 9 Q. But nothing on it said City of  
17:02:59 10 Dayton , did it?

17:02:59 11 A. Not that I can remember .

17:03:01 12 Q. And there are other cities in the  
17:03:03 13 region , right ?

17:03:03 14 A. Right .

17:03:04 15 Q. There's Kettering ?

17:03:06 16 A. Right .

17:03:07 17 Q. There's other cities that might  
17:03:09 18 have abandoned vehicles other than Dayton ?

17:03:10 19 A. It's possible .

17:03:11 20 Q. Do you have an idea of the number  
17:03:13 21 of abandoned vehicles that you had ever seen ?

17:03:13 22 A. No.

17:03:17 23 Q. More than ten ?

17:03:18 24 A. Oh, yeah .

17:03:19 25 Q. Do you have an idea how many

17:03:21 1 vehicles were stored at Doyle's salvage yard at  
17:03:26 2 one time ?

17:03:27 3 A. Hundreds .

17:03:27 4 Q. Hundreds ?

17:03:29 5 A. Yeah .

17:03:29 6 Q. Do you know of what percentage had  
17:03:33 7 the words ABV on it ?

17:03:33 8 A. No.

17:03:35 9 Q. You said you had no idea what  
17:03:37 10 Doyle's did with the vehicles ?

17:03:38 11 A. He sold parts out of them . Then  
17:03:41 12 eventually he would scrap them .

17:03:42 13 Q. How would he scrap them ?

17:03:44 14 A. I don't know if they had the  
17:03:46 15 mechanical -- the mechanical press to press  
17:03:52 16 them down with . I don't know .

17:03:54 17 Q. So all you know , as far as his  
17:03:57 18 business , is they took in vehicles ?

17:03:59 19 A. Right .

17:03:59 20 Q. And then those were scrapped by  
17:04:02 21 people taking automobile parts off of them ?

17:04:05 22 A. Right .

17:04:05 23 Q. Did you ever see any burning at  
17:04:09 24 Doyle salvage yard ?

17:04:10 25 A. No .

17:04:10 1 Q. Did you ever see anyone use a  
17:04:13 2 screwdriver or anything to puncture a gas tank  
17:04:19 3 at Doyle 's salvage yard ?

17:04:20 4 A. No .

17:04:20 5 Q. What about oil casing ?

17:04:20 6 A. No .

17:04:27 7 Q. And you said that you believed  
17:04:29 8 that the salvage yard closed in 1980 ?

17:04:32 9 A. Doyle's ? I don't know . That's  
17:04:35 10 just a guess .

17:04:36 11 Q. Do you know , was Doyle's still  
17:04:40 12 there at the salvage yard in 1980 ?

17:04:43 13 A. Yeah . They were still there .

17:04:50 14 Q. Do you know , is Doyle Roberson  
17:04:53 15 still alive ?

17:04:54 16 A. No .

17:04:55 17 Q. Do you know when he passed away ?

17:04:55 18 A. No .

17:04:57 19 Q. Do you know what records , if any ,  
17:04:59 20 he kept for his business ?

17:05:00 21 A. No .

17:05:00 22 Q. I was looking at Exhibit 6 of  
17:05:07 23 today , which is the September 29 , 1969 letter  
17:05:11 24 from your father to Dr. Robert Vogle and it  
17:05:15 25 appears to be on the South Dayton Dump &

17:05:20 1 Landfill letterhead . Do you have that in front  
17:05:22 2 of you that you could take a look at it?

17:05:24 3 A. Yeah .

17:05:41 4 Q. Do you have what's been marked as  
17:05:43 5 David Grillot Exhibit Number 6 in front of you?

17:05:45 6 A. Uh-huh .

17:05:46 7 Q. Do you see at the top right-hand  
17:05:48 8 corner , it says we buy old trucks , cars , and  
17:05:52 9 machinery ?

17:05:53 10 A. Right .

17:05:53 11 Q. Is that the South Dayton Dump &  
17:05:57 12 Landfill purchased them or Doyle's purchased  
17:05:58 13 them ?

17:05:58 14 A. I don't know what -- I just  
17:06:00 15 noticed that was on there . I don't know why  
17:06:03 16 that was on there because the dump didn't buy  
17:06:05 17 anything .

17:06:05 18 Q. You don't know whether Doyle  
17:06:07 19 bought the cars that he salvage d or not , do  
17:06:11 20 you ?

17:06:11 21 A. No . This isn't part of Doyle .

17:06:14 22 Q. Okay . Did you ever see any  
17:06:23 23 automobiles towed into Doyle's salvage yard ?

17:06:26 24 A. I'm sure I did .

17:06:27 25 Q. Do you know any of the companies

17:06:28 1 that towed the vehicles ?

17:06:28 2 A. No.

17:06:30 3 Q. Did you ever see someone come in  
17:06:32 4 driving a vehicle or sell Doyle a vehicle , just  
17:06:36 5 a regular citizen ?

17:06:36 6 A. No.

17:06:45 7 Q. Did you review any paperwork  
17:06:46 8 before your deposition today , any documents ?

17:06:46 9 A. No.

17:06:49 10 Q. Have you ever reviewed any  
17:06:52 11 documents with either Mr. Walsh or Mr. Silver  
17:06:56 12 or anyone else for the Plaintiff?

17:06:57 13 A. No .

17:06:57 14 Q. Other than Doyle's , are you aware  
17:07:07 15 of any other salvage yards in the Dayton area ?

17:07:10 16 A. Yeah .

17:07:10 17 Q. During the 1960s and '70s, are you  
17:07:16 18 aware of any other salvage yards in the Dayton  
17:07:17 19 area other than Doyle's ?

17:07:18 20 A. Yeah .

17:07:19 21 Q. What are they , if you can recall  
17:07:21 22 any of them ?

17:07:22 23 A. Well , you had Kil-Kare out towards  
17:07:24 24 Xenia , Beavercreek . You had -- I don't know  
17:07:32 25 the names . Allot a down in Miamisburg , I think

17:07:37 1 it was . One up on Wagner Ford Road . Busy Bee .

17:07:44 2 Q. Any others you can recall as we  
17:07:52 3 sit here today ?

17:07:53 4 A. Mahaffey's , I think. Yeah.  
17:07:58 5 Mahaffey's out on Valley.

17:07:58 6 Q. Was that in the city of Dayton ,  
17:08:06 7 Ohio ?

17:08:06 8 A. I don't know . How far does Dayton  
17:08:09 9 go out Valley?

17:08:10 10 Q. It goes in and out , actually .

17:08:15 11 A. Mahaffey's is just past where the  
17:08:16 12 farmers market used to be . So I don't know .

17:08:19 13 Q. Is it still there today ?

17:08:21 14 A. There is a junkyard there . I  
17:08:24 15 don't know if it's still called Mahaffey's or  
17:08:28 16 not .

17:08:28 17 Q. But the junkyard that's there  
17:08:30 18 today , is that in the same location as  
17:08:33 19 Mahaffey's was in the '50s and '60s?

17:08:35 20 A. Yeah .

17:08:37 21 Q. What about Franklin Iron & Metal ?

17:08:39 22 A. What about them ?

17:08:41 23 Q. Were they a salvage yard ?

17:08:42 24 A. They were .

17:08:44 25 Q. Would they accept salvage

17:08:47 1 vehicles ?

17:08:47 2 A. I don't -- you're asking me for  
17:08:48 3 their business . I don't know .

17:08:49 4 Q. They could have . You don't know  
17:08:52 5 as you sit here today ?

17:08:53 6 A. Right .

17:08:53 7 Q. Do you know where Franklin Iron &  
17:08:56 8 Metal is located today ?

17:08:56 9 A. On First Street or Springfield  
17:08:59 10 Street.

17:08:59 11 Q. Do you know if that's where they  
17:09:00 12 were located in the '60s or the '70s ?

17:09:02 13 A. Yes .

17:09:04 14 Q. Same location ?

17:09:05 15 A. Right .

17:09:05 16 Q. In any of your conversations with  
17:09:15 17 Mr. Walsh or Larry Silver , did you ever talk  
17:09:17 18 about the City of Dayton ?

17:09:19 19 A. No.

17:09:31 20 Q. You mentioned that Eddie worked  
17:09:35 21 with you briefly at the South Dayton Dump . And  
17:09:39 22 when I say Eddie , it's Eddie Grillot , your  
17:09:42 23 cousin ?

17:09:42 24 A. Right .

17:09:42 25 Q. And you said because he had



17:09:45 1 problems working there , he wasn't there very  
17:09:47 2 long .

17:09:48 3 A. Right .

17:09:48 4 Q. What were his problems working  
17:09:49 5 there ?

17:09:49 6 A. I don't know . Punctual . Doing  
17:09:53 7 the job right . I don't -- I don't know . You'd  
17:09:57 8 have to talk to my father . And he's gone . I  
17:09:59 9 don't know . All I know is he wasn't there  
17:10:03 10 anymore .

17:10:03 11 Q. You don't know whether it was  
17:10:07 12 because he wasn't reliable or anything like  
17:10:09 13 that ?

17:10:10 14 A. Right .

17:10:10 15 Q. You said that you had last spoken  
17:10:13 16 with him about a year ago ?

17:10:14 17 A. Uh-huh .

17:10:15 18 Q. Did Eddie Grillot talk to you at  
17:10:18 19 all about his depositions --

17:10:19 20 A. No .

17:10:19 21 Q. -- that he's given in this case ?

17:10:19 22 A. No.

17:10:23 23 Q. You mentioned that you weren't  
17:10:24 24 aware of any lawsuits involving your family and  
17:10:26 25 the dump ; is that correct?

17:10:28 1 A. Correct .

17:10:28 2 Q. Now , Mr. Grillot , Eddie Grillot ,  
17:10:31 3 in his deposition recalled that his family had  
17:10:34 4 to pay a substantial sum of money involving the  
17:10:38 5 cleanup of the dump .

17:10:38 6 A. That his did ?

17:10:39 7 Q. Yeah.

17:10:40 8 A. I don't know that .

17:10:41 9 Q. You weren't aware of that ?

17:10:41 10 A. No.

17:10:43 11 Q. You never discussed that with him ?

17:10:43 12 A. No.

17:10:45 13 Q. When your father passed away , was  
17:10:47 14 there any mention of any debts owed for cleanup  
17:10:50 15 of the dump ?

17:10:51 16 A. My mother paid Margaret , I don't  
17:10:55 17 know , a hundred and thirty -- a hundred and  
17:10:57 18 some thousand dollars on like a buy-out thing .  
17:11:07 19 I don't know how it was phrase d or whatever .

17:11:10 20 Q. And Margaret was with the USEPA ?

17:11:13 21 A. No, Margaret Grillot .

17:11:13 22 Q. Oh, okay.

17:11:15 23 A. Cyril 's wife .

17:11:16 24 Q. And you believe the hundred and  
17:11:22 25 thirty thousand dollars was for cleanup for the

17:11:24 1 dump ?

17:11:24 2 A. It ab solve d -- it absolved my  
17:11:26 3 mother for any other -- any other cost .

17:11:29 4 Q. So it was in settlement --

17:11:30 5 A. Right .

17:11:31 6 Q. -- of cleanup of the dump ?

17:11:33 7 A. Right .

17:11:33 8 Q. Have you ever seen the settlement  
17:11:36 9 documentation ?

17:11:37 10 A. No .

17:11:37 11 Q. Other than the hundred and thirty  
17:11:39 12 thousand dollars that your mother paid , are you  
17:11:41 13 aware of any other expenses or costs that your  
17:11:43 14 family paid involving the dump , cleanup of the  
17:11:46 15 dump ?

17:11:47 16 A. No .

17:11:47 17 Q. You mentioned four or five  
17:12:01 18 conversations that you had with a woman at the  
17:12:04 19 EPA named Margaret ?

17:12:05 20 A. Uh-huh .

17:12:06 21 Q. But you don't recall what her last  
17:12:08 22 name was ?

17:12:08 23 A. No .

17:12:08 24 Q. Do you have any idea what her  
17:12:10 25 position was ?

17:12:10 1 A. No .

17:12:10 2 Q. Have you ever looked for any  
17:12:32 3 records that were kept for the dump ?

17:12:33 4 A. Margaret -- Margaret asked me for  
17:12:38 5 records , and I gave her what I had .

17:12:39 6 Q. And that's Margaret with the EPA ?

17:12:42 7 A. Right .

17:12:42 8 Q. And when was that ?

17:12:44 9 A. That had to be -- I don't know --  
17:12:53 10 eight years ago , nine years ago .

17:12:54 11 Q. Somewhere around 2006 , 2005 ?

17:12:58 12 A. Before that . Before 2006 . So '5 ,  
17:13:02 13 '4 , '3 . Somewhere between 2002 and 2006 .

17:13:07 14 Q. And you said you gave her what  
17:13:09 15 records you had .

17:13:11 16 A. Correct .

17:13:11 17 Q. What records did you have ?

17:13:13 18 A. I think there was some receipts ,  
17:13:17 19 dumping receipts . I can't remember .

17:13:19 20 Q. And where did you get these  
17:13:25 21 records ?

17:13:25 22 A. My sister went -- when my father  
17:13:28 23 passed and my mother passed , my sister went  
17:13:32 24 through all the papers . We threw away a lot  
17:13:36 25 and kept a lot . Then I gave Margaret what I

17:13:38 1 have.

17:13:38 2 Q. What records did you throw away?

17:13:43 3 A. I don't know . You'd have to talk  
17:13:45 4 to my sister .

17:13:46 5 Q. What records did you keep?

17:13:48 6 A. You'd have to talk to my sister .

17:13:50 7 Q. Do you know , does your sister  
17:13:55 8 still have any of these records ?

17:13:57 9 A. I doubt it .

17:13:58 10 Q. Have you ever talked to your  
17:14:00 11 sister about what records she has?

17:14:01 12 A. No .

17:14:02 13 Q. At any time did Mr. Silver or  
17:14:04 14 Mr. Walsh ask you about what records you might  
17:14:07 15 have ?

17:14:07 16 A. I don't think so .

17:14:08 17 Q. You said you recall giving some  
17:14:15 18 receipts , some dump receipts to Margaret . Do  
17:14:18 19 you recall any contract s that you would have  
17:14:20 20 given to Margaret , anything of that nature ?

17:14:23 21 A. No , there wasn't any contract s.

17:14:24 22 Q. So the only thing you can recall  
17:14:27 23 that you gave to Margaret as you sit here today  
17:14:31 24 was dump receipts ?

17:14:32 25 A. Dump receipt s. Maybe some

17:14:34 1 invoices . It wasn't a whole lot of stuff . It  
17:14:37 2 wasn't enough to , you know , fill your binder .

17:14:39 3 Q. Less than a hundred pages ?

17:14:41 4 A. Oh, I'd say so .

17:14:43 5 Q. I'm just curious . Of all the  
17:14:45 6 records , why did you keep the less than hundred  
17:14:50 7 pages of receipts ?

17:14:51 8 A. I don't know .

17:14:52 9 Q. It just seems kind of odd to me .  
17:14:56 10 What was the reason that you kept any of the  
17:14:58 11 documentation ?

17:14:58 12 A. I didn't keep them . My sister  
17:15:01 13 kept them . Then I brought the file box to my  
17:15:04 14 house .

17:15:04 15 Q. So when Margaret from the EPA  
17:15:06 16 asked you about documents , you went to your  
17:15:09 17 sister --

17:15:11 18 A. No .

17:15:11 19 Q. -- and asked what documents she  
17:15:13 20 had ?

17:15:13 21 A. No , they were at my house . My  
17:15:18 22 sister thinned through all this stuff and then  
17:15:20 23 put everything in a file -- in a folder . Then  
17:15:23 24 I brought the file box to my house . So then  
17:15:26 25 Margaret asked me if I had anything . I said

17:15:30 1 yes . I may have given her something prior to  
17:15:32 2 that and then I gave her the rest on the second  
17:15:35 3 time . I'm not sure if it was one time or broke  
17:15:37 4 up into two .

17:15:38 5 Q. Did you give her the originals or  
17:15:40 6 copies ?

17:15:40 7 A. I gave her everything .

17:15:41 8 Q. Did you ever get them back ?

17:15:43 9 A. No .

17:16:01 10 MR. MUSTO: All right . I don't have  
17:16:02 11 any other questions . Thank you .

17:16:02 12 CROSS-EXAMINATION

17:16:04 13 BY MR. HAUGHEY:

17:16:04 14 Q. Hi , Mr. Grillot . My name is Steve  
17:16:30 15 Haughey . I represent some of the Defendants in  
17:16:33 16 this case , and I have just a couple of  
17:16:35 17 questions . I'd much rather talk with you about  
17:16:38 18 redoing a Mustang , but I guess we have to move  
17:16:42 19 on a little bit .

17:16:43 20 Did Margaret say what she did with  
17:16:45 21 the records that you and your sister provided  
17:16:48 22 to her ?

17:16:48 23 A. From what I understand , Margaret  
17:16:51 24 is either -- I believe she's retired .

17:16:53 25 Q. Okay . I think I know who it may

17:16:59 1 be . Was it Margaret Malone or Peggy Malone ?

17:17:02 2 A. She was out of Chicago .

17:17:03 3 Q. She was out of Chicago . She was  
17:17:07 4 with the USEPA in Chicago , correct?

17:17:10 5 A. Yeah .

17:17:10 6 Q. Was she an attorney ?

17:17:12 7 A. That I don't know .

17:17:13 8 Q. Did your father keep a ledger ?

17:17:20 9 A. I don't know . I'm sure he did ,  
17:17:25 10 but I don't ever remember having a ledger .

17:17:28 11 Q. And did you state what the name is  
17:17:32 12 of your sister ?

17:17:33 13 A. Leslie .

17:17:34 14 Q. And is Leslie still alive ?

17:17:36 15 A. Yeah .

17:17:37 16 Q. What's her last name ?

17:17:38 17 A. Ragsdale.

17:17:40 18 Q. How do you spell that ?

17:17:41 19 A. R A G S D A L E .

17:17:43 20 Q. Can you say that again , please ?

17:17:46 21 A. R A G S D A L E .

17:17:48 22 Q. Before I forget , the street you  
17:17:53 23 live on , Bonnie Bridge --

17:17:55 24 A. Bonnie Birch.

17:17:56 25 Q. Is that one word or two words ?



17:18:00 1 A. Two words . Bonnie Birch.

17:18:02 2 Q. Okay . With respect to all of the  
17:18:09 3 exhibits that Mr. Silver showed to you earlier ,  
17:18:14 4 if you can think back to that conversation ,  
17:18:17 5 other than remembering your father 's  
17:18:21 6 handwriting or remembering your mother 's  
17:18:24 7 signature , is it true that you did not  
17:18:26 8 recognize any of the documents ?

17:18:26 9 A. No.

17:18:28 10 Q. And , therefore , you didn't prepare  
17:18:30 11 them ?

17:18:30 12 A. No.

17:18:31 13 Q. And they weren't prepared for you ?

17:18:31 14 A. No.

17:18:33 15 Q. And you were not copied on them ?

17:18:35 16 A. Huh-uh .

17:18:37 17 Q. Right ?

17:18:38 18 MR. SILVER: Steve , I just want to  
17:18:40 19 object . Just a clarification . Some of them  
17:18:42 20 didn't have any signatures on them . So you're  
17:18:46 21 asking maybe too broad a question .

17:18:48 22 Q. The question is -- the question  
17:18:50 23 stands . You did not recognize any of the  
17:18:53 24 documents , correct?

17:18:54 25 A. No , I didn't recognize them .

17:18:55 1 Q. And have never seen them before ,  
17:18:55 2 correct?

17:18:58 3 A. No .

17:18:59 4 Q. And were never copied on them or  
17:19:02 5 had anything to do with their generation ?

17:19:02 6 A. No.

17:19:06 7 Q. And isn't it true that you have no  
17:19:08 8 way to authenticate those document s as being an  
17:19:10 9 accurate copy of the originals ?

17:19:13 10 MR. SILVER: Objection .

17:19:14 11 Q. You can answer .

17:19:16 12 A. Well , by the date , yes . By my  
17:19:20 13 father 's signature , yes . By my father 's  
17:19:24 14 handwriting , yes . The way this is written out ,  
17:19:26 15 I know it's old , you know , prior to '70 ,  
17:19:31 16 prior -- prior to '60 most likely .

17:19:35 17 Q. But you can't authenticate these  
17:19:37 18 as being an accurate copy of the originals ?

17:19:40 19 MR. SILVER: Objection . Calls for a  
17:19:43 20 legal conclusion .

17:19:44 21 Q. Correct ? Without seeing the  
17:19:45 22 original , how would you know they're an  
17:19:48 23 authenticate copy of the original ?

17:19:49 24 MR. SILVER: Objection .

17:19:49 25 THE WITNESS: Okay . Got me there .

17:19:51 1 Q. You couldn't , correct?

17:19:53 2 A. Correct .

17:19:54 3 Q. Okay . Thank you . I believe you  
17:19:56 4 testified that you had been deposed one time in  
17:20:00 5 a dispute with a neighbor . Do you remember  
17:20:02 6 that ?

17:20:02 7 A. Right .

17:20:03 8 Q. What was the dispute about ?

17:20:04 9 A. Property line .

17:20:06 10 Q. Did he file the action or did you  
17:20:11 11 file the action ?

17:20:11 12 A. She .

17:20:12 13 Q. Was it to determine the correct  
17:20:15 14 property --

17:20:15 15 A. A sidewalk encroached on her  
17:20:18 16 property by two inches .

17:20:19 17 Q. Okay . Thank you . I believe you  
17:20:22 18 also testified on direct that you worked for  
17:20:25 19 NCR for about three months and then were laid  
17:20:28 20 off . Do you remember that ?

17:20:29 21 A. Right .

17:20:29 22 Q. What did you do for NCR , the time  
17:20:32 23 you worked for them ?

17:20:33 24 A. I operated a rivet machine .

17:20:35 25 Q. Okay . And that would have been

17:20:37 1 before 1971 ?

17:20:39 2 A. Right .

17:20:40 3 Q. Do you remember whether NCR had a  
17:20:44 4 foundry ?

17:20:44 5 A. I believe they did .

17:20:46 6 Q. Okay . Do you remember whether NCR  
17:20:50 7 sent any waste to be dumped at the South Dayton  
17:20:55 8 Dump site ?

17:20:55 9 A. I don't know .

17:20:56 10 Q. Do you remember a company by the  
17:21:01 11 name of Dayton Walther ?

17:21:03 12 A. Right .

17:21:04 13 Q. Where was that company located ?

17:21:05 14 A. It was west of Broadway . So I  
17:21:11 15 don't know . Miami Chapel I think is what they  
17:21:14 16 were on .

17:21:14 17 Q. Was it close to the dump site ?

17:21:16 18 A. Right .

17:21:16 19 Q. What did Dayton Walther  
17:21:22 20 manufacture?

17:21:22 21 A. I believe it was truck rim parts .

17:21:26 22 Q. Okay .

17:21:27 23 A. Truck brake parts .

17:21:28 24 Q. Did it have a foundry ?

17:21:32 25 A. Yeah .

17:21:32 1 Q. Did it send any waste over to  
17:21:36 2 the --

17:21:37 3 A. Foundry sand .

17:21:38 4 Q. Sent found ry sand to the site ?

17:21:40 5 A. Yeah .

17:21:41 6 Q. How do you know that ?

17:21:42 7 A. Because I saw it .

17:21:43 8 Q. How did it get there ?

17:21:44 9 A. By a gondola truck .

17:21:46 10 Q. Okay . Is that the truck you were  
17:21:48 11 referring to --

17:21:50 12 A. Right .

17:21:50 13 Q. -- with the special arms ?

17:21:51 14 A. Right .

17:21:52 15 Q. Did they send any other type of  
17:21:54 16 foundry waste to the site ?

17:21:55 17 A. They would bring in wood , and it  
17:22:05 18 was sheets of plywood that they would -- when  
17:22:08 19 the castings -- when they made the castings ,  
17:22:13 20 then they would put a piece of plywood , it was  
17:22:16 21 square , I can't remember how square it was ,  
17:22:18 22 thirty-six inches square , and then they'd put  
17:22:21 23 the four castings , like four hubs , rims , truck  
17:22:27 24 tire rims , and put another piece of plywood and  
17:22:31 25 that's the way they would stack them up .

17:22:34 1 Supposedly when the plywood got worn enough ,  
17:22:38 2 got worn and chipped enough , then they would  
17:22:42 3 bring the plywood to the dump .

17:22:43 4 Q. Did Dayton Walther send any waste  
17:22:46 5 to the site that was hot ?

17:22:47 6 A. The castings were warm .

17:22:50 7 Q. So they sent castings to the  
17:22:53 8 site --

17:22:53 9 A. The foundry sand .

17:22:55 10 Q. So that could have been warm ?

17:22:57 11 A. Right .

17:22:58 12 Q. Would it be smoking hot at any  
17:23:00 13 time ?

17:23:02 14 A. No. Just once in a while there  
17:23:04 15 would be steam .

17:23:05 16 Q. Did Dayton Walther send any  
17:23:08 17 liquid waste to the site ?

17:23:10 18 A. Not that I recall .

17:23:11 19 Q. Any sort of oils or cool ants ?

17:23:13 20 A. Not that I recall .

17:23:14 21 Q. Did GH&R Foundry send any liquid  
17:23:19 22 waste to the site ?

17:23:21 23 A. No. Not that I recall .

17:23:22 24 Q. What was the nature of the waste  
17:23:23 25 that you referred to earlier that came to the

17:23:26 1 site from GH&R Foundry?

17:23:28 2 A. I'm just trying to go back and  
17:23:31 3 picture all this stuff. It was GH -- it seems  
17:23:34 4 like Peerless brought in foundry sand.

17:23:37 5 Q. On GH&R's behalf?

17:23:40 6 A. Right.

17:23:41 7 Q. Would any of that foundry sand be  
17:23:44 8 hot?

17:23:45 9 A. There again, I don't know.  
17:23:49 10 Conjecture, yes, could be. Maybe not.

17:23:51 11 Q. You don't know, correct?

17:23:53 12 A. No.

17:23:53 13 Q. Okay. Okay. Other than the ones  
17:24:01 14 that you have identified here today as having  
17:24:04 15 used the site, is it correct that you have no  
17:24:10 16 recollection today of anyone else having used  
17:24:12 17 this site for disposal?

17:24:13 18 A. No.

17:24:15 19 MR. HAUGHEY: Okay. Thank you.  
17:24:16 20 That's all I have.

17:24:18 21 (Thereupon, an off-the-record  
17:24:40 22 discussion was had.)

17:24:40 23 (Thereupon, a break was had.)

17:35:32 24 CROSS-EXAMINATION

17:35:45 25 BY MR. HARBECK:

17:35:45 1 Q. Mr. Grillot , my name is Bill  
17:35:49 2 Harbeck . I represent Waste Management of Ohio .  
17:35:52 3 I have some follow-up questions for you .  
17:35:54 4 Again , if you don't understand one of my  
17:35:56 5 questions , will you please let me know and I'll  
17:35:59 6 clarify it?

17:35:59 7 A. Sure .

17:36:00 8 Q. Again , I'll try to do the same  
17:36:04 9 thing as Larry instructed you for . I'll try  
17:36:06 10 not to talk over your answer so try not to talk  
17:36:10 11 over my questions . Okay?

17:36:10 12 A. All right.

17:36:11 13 Q. I want to go back briefly to  
17:36:13 14 Dayton Walther that you testified brought  
17:36:18 15 foundry sand waste to the South Dayton Dump?

17:36:22 16 A. Uh-huh .

17:36:22 17 Q. And the third rule is you have to  
17:36:24 18 say yes.

17:36:26 19 A. Right .

17:36:27 20 Q. And the foundry sand that they  
17:36:28 21 brought to the South Dayton Dump , can you tell  
17:36:31 22 me on average , how frequently would they bring  
17:36:34 23 that foundry sand to the South Dayton Dump ?  
17:36:36 24 Give me your best estimate .

17:36:38 25 A. I'd say daily .



17:36:39 1 Q. Okay . And what was the size of  
17:36:42 2 the container that brought the foundry sand ?

17:36:49 3 A. I don't know . Six foot . Probably  
17:36:52 4 six foot high . Twelve foot long . Shaped like  
17:36:57 5 a tub in a way , only squared off edges .

17:37:01 6 Q. Okay .

17:37:04 7 A. You know , angled in , bottom .

17:37:06 8 Q. And --

17:37:07 9 A. Flat bottom , angled up sides front  
17:37:10 10 and rear . Straight sides on the side .

17:37:12 11 Q. Can you estimate for me how many  
17:37:16 12 cubic yards they would bring in on a daily  
17:37:20 13 basis . How much would this container hold ?  
17:37:23 14 Again , just give me your best estimate .

17:37:31 15 A. Three , four . I don't know .

17:37:32 16 Q. Three , four , cubic yards ?

17:37:35 17 A. Right .

17:37:36 18 Q. What did it look like ?

17:37:40 19 A. Looked like , you know , just a tub .

17:37:45 20 Q. The foundry sand itself .

17:37:46 21 A. Oh , it was brown ish in color .

17:37:48 22 Q. Was it complete -- you know ,  
17:37:55 23 complete dry sand material or was it ever kind  
17:37:58 24 of liquidy or wet ?

17:38:00 25 A. It was dry . Sometimes there would

17:38:03 1 be chunks that were in a form , you know , had  
17:38:07 2 some kind of a form to them .

17:38:09 3 Q. Did you ever see any little bits  
17:38:11 4 and pieces of metal or any of the equipment or  
17:38:16 5 materials that they were actually casting at  
17:38:18 6 the foundry mixed in with the foundry sand ?

17:38:22 7 A. No , I didn't . But I never -- I  
17:38:25 8 never got around to -- you know, kicking into  
17:38:28 9 where he dumped it at or any --

17:38:32 10 Q. Okay . Then you also described  
17:38:40 11 this plywood or sheet wood that was brought in  
17:38:43 12 from -- that Dayton Walther brought in ?

17:38:45 13 A. Correct .

17:38:46 14 Q. You said these were roughly  
17:38:48 15 thirty-six by thirty-six pieces of plywood that  
17:38:50 16 had castings that had been put on them ?

17:38:52 17 A. Maybe thirty-six, maybe forty .  
17:38:55 18 Probably -- probably forty-eight . I don't  
17:38:57 19 know . Probably like a half sheet of plywood  
17:38:59 20 cut in two .

17:39:00 21 Q. So maybe forty-eight by  
17:39:03 22 forty-eight squares ?

17:39:03 23 A. I'm thinking . Somewhere in that  
17:39:05 24 range .

17:39:05 25 Q. Okay. And how often was the

17:39:07 1 plywood brought in? On the same basis? Same  
17:39:10 2 frequency as the foundry sand?

17:39:12 3 A. I don't think they brought that in  
17:39:14 4 daily. Maybe twice a week, something like  
17:39:17 5 that.

17:39:17 6 Q. Okay. Now, how thick was this  
17:39:21 7 wood?

17:39:21 8 A. I think it was three quarter inch  
17:39:24 9 plywood.

17:39:25 10 Q. And was this wood burned in the  
17:39:33 11 incinerator, the air curtain destructor?

17:39:36 12 A. Correct.

17:39:37 13 Q. And ashes from that would -- would  
17:39:41 14 then be cleaned out with everything else, all  
17:39:43 15 the other wood that was burned up in the air  
17:39:46 16 curtain destructor and then -- you know, you  
17:39:48 17 said every three to four months -- and then put  
17:39:50 18 into the pit?

17:39:50 19 A. Correct.

17:39:51 20 Q. Do you remember any other types of  
17:39:55 21 material that came in from Dayton Walter?

17:39:55 22 A. No.

17:40:03 23 Q. Can you look at Exhibit 3, which  
17:40:08 24 is -- it's this guy here (indicating).

17:40:14 25 A. I've got it.

17:40:15 1 Q. For the record , it's Figure 1.7 ,  
17:40:18 2 the tax map and notes . This is a document that  
17:40:21 3 you said had your father 's handwriting on it?

17:40:24 4 A. Right .

17:40:24 5 Q. If you go down about halfway down  
17:40:30 6 on the left-hand side , do you see those various  
17:40:32 7 red markings kind of in the middle of this ?

17:40:35 8 A. Right .

17:40:36 9 Q. Do you see the one that's marked  
17:40:37 10 with a square box , 32 73 ?

17:40:41 11 A. Right .

17:40:41 12 Q. In that box , I read the words NCR  
17:40:44 13 donated to UD. Do you see that ?

17:40:47 14 A. Right .

17:40:48 15 Q. Do you know what that's all about ?

17:40:50 16 A. Evidently NCR owned that land and  
17:40:57 17 donated it to UD. I don't think that's N.

17:41:14 18 That doesn't look like -- my Uncle Cyril and  
17:41:26 19 Horace Boesch , where the UD Arena is, I don't  
17:41:32 20 know if you're familiar where that's at, but  
17:41:35 21 they donated fifteen acres to build their  
17:41:39 22 basketball arena .

17:41:40 23 Q. Where it currently sits?

17:41:42 24 A. Where it currently sits. So at  
17:41:44 25 the bottom of that , it says -- I don't know if

17:41:46 1 it says NCR donation to UD by Grillot and  
17:41:51 2 Boesch . So evidently , my uncle and Horace  
17:41:56 3 Boesch , don't know what the NCR means to it,  
17:41:59 4 but they donated that land to UD.

17:42:02 5 Q. When you're talking about where  
17:42:04 6 the UD arena currently sits , that's not this  
17:42:07 7 little piece of land right h ere (indicating),  
17:42:09 8 is it ?

17:42:09 9 A. No.

17:42:10 10 Q. That's further up north and across  
17:42:11 11 the river where University of Dayton --

17:42:12 12 A. That's north and east around the  
17:42:14 13 river .

17:42:14 14 Q. So , again , do you have any  
17:42:16 15 understanding of what appears to be this -- the  
17:42:19 16 handwritten NCR donated to UD, what that's  
17:42:24 17 talking about with respect to that parcel of  
17:42:26 18 land ?

17:42:26 19 MR. SILVER: I have to object . I  
17:42:29 20 don't see that as NCR . It could be an M. It  
17:42:31 21 looks more like an M than an N.

17:42:31 22 MR. HARBECK: Larry , when I ask you a  
17:42:33 23 question about what it looks like , I'll ask you a  
17:42:36 24 question.

17:42:36 25 MR. SILVER: Well , I object to

17:42:37 1 mis characterization of the document .

17:42:39 2 MR. HARBECK: Then you can object and  
17:42:41 3 voice your objection , but please don't testify  
17:42:43 4 about it .

17:42:44 5 MR. SILVER: All right . Well , the  
17:42:45 6 same for you .

17:42:46 7 Q. Do you have any idea what that  
17:42:50 8 pertains to?

17:42:51 9 A. Well , you know , I don't think it  
17:42:55 10 says MC -- NCR . It looks like it says MCD . If  
17:42:59 11 you see , there's a period after the initial .  
17:43:02 12 And I think you're seeing an R on a D that's a  
17:43:06 13 leg .

17:43:07 14 Q. Maybe it's wishful thinking on my  
17:43:09 15 part .

17:43:09 16 A. I think so .

17:43:10 17 Q. But in any event , if it's NCR or  
17:43:15 18 NCD or MCD , do you have any idea what that is  
17:43:18 19 about ?

17:43:20 20 A. No. I have no clue .

17:43:20 21 Q. Okay . Then are you familiar with  
17:43:27 22 the Hobart Company?

17:43:30 23 A. Right .

17:43:30 24 Q. Were you familiar with them back  
17:43:32 25 in the 1960s and '70s ?

17:43:35 1 A. Some .

17:43:35 2 Q. Okay . Do you have -- do you know  
17:43:43 3 whether or not Hobart itself ever disposed of  
17:43:46 4 any types of material at the South Dayton Dump ?

17:43:49 5 A. Not that I -- I ever saw .

17:43:51 6 Q. Okay . I want to talk briefly  
17:44:06 7 about the Container Service -- your Container  
17:44:09 8 Service testimony .

17:44:10 9 A. Okay .

17:44:10 10 Q. And correct me if I'm wrong , but I  
17:44:13 11 believe you testified that the only materials  
17:44:15 12 you ever saw Container Service bringing to the  
17:44:18 13 South Dayton Dump were wood pallets and  
17:44:20 14 cardboard ; is that correct ?

17:44:22 15 A. Correct .

17:44:22 16 Q. And with respect to the wood  
17:44:26 17 pallets and cardboard , both of those came from  
17:44:28 18 the Chrysler Corporation , correct?

17:44:30 19 A. Correct .

17:44:30 20 Q. Now , with respect to the wood  
17:44:32 21 pallets , you said the pallets were dumped into  
17:44:34 22 an area , and this is for all pallets that came  
17:44:38 23 in from whatever source , the good ones were  
17:44:41 24 recycled and then the bad ones that couldn't be  
17:44:44 25 repaired were put into the incinerator ?

17:44:48 1 A. Right .

17:44:48 2 Q. And I'm assuming that you got --

17:44:50 3 you mentioned some companies that you got wood

17:44:52 4 pallets from . Were there other companies

17:44:54 5 besides those four that would bring in pallets

17:44:57 6 from time to time ?

17:44:58 7 A. Not that I can recall .

17:44:59 8 Q. Okay . Is it possible that you did

17:45:02 9 get pallets from the companies other than those

17:45:05 10 companies that you talked about ?

17:45:06 11 A. Not that I can recall .

17:45:11 12 Q. None that you recall . I

17:45:13 13 understand that . You didn't personally observe

17:45:15 14 it , but could have pallets come in from other

17:45:18 15 sources ?

17:45:18 16 A. Well , I'm not going to say no , but

17:45:20 17 not that I ever -- nobody -- nobody dumped

17:45:26 18 unless I was there .

17:45:26 19 Q. Well, did you work -- when you

17:45:28 20 were working there , did you work five and a

17:45:31 21 half days a week at the pallet dumping

17:45:34 22 procedure every single day without ever taking

17:45:36 23 a day off throughout the entire time frame that

17:45:39 24 you worked at the site or did you get some time

17:45:42 25 off from time to time ?



17:45:43 1 A. I got some vacation time .

17:45:45 2 Q. Were you ever sick during that  
17:45:48 3 period of time ?

17:45:48 4 A. No.

17:45:49 5 Q. During your vacation time , could  
17:45:51 6 pallets have come in from some other  
17:45:55 7 sources besides --

17:45:55 8 A. It's possible .

17:45:56 9 Q. Now , with respect to the pallets  
17:45:59 10 that came from Chrysler , were those pallets  
17:46:01 11 pallets that generally were in good enough  
17:46:03 12 condition that they could be recycled and sold ?

17:46:06 13 A. Yes and no . You know , it's -- you  
17:46:10 14 might get a whole load and it's just nothing  
17:46:14 15 but scrap , like packing materials that  
17:46:17 16 something was shipped to them and they might ,  
17:46:20 17 you know, just all be junk wood . Then you  
17:46:22 18 might get a -- a clean load of really good wood  
17:46:28 19 that you didn't have to burn much of it . So  
17:46:31 20 hit and miss .

17:46:32 21 Q. Okay . If you had to estimate -- I  
17:46:34 22 mean, you said hit and miss , some good , some  
17:46:36 23 recyclable . On average , was it about  
17:46:40 24 fifty /fifty that could be recycled versus those  
17:46:42 25 that ended up going into the incinerator or

17:46:45 1 couldn't you say?

17:46:46 2 A. I'd say less -- you know , fifty or  
17:46:49 3 less .

17:46:49 4 Q. Okay . Fifty or less that could be  
17:46:51 5 recycled and sold ?

17:46:52 6 A. Yeah . Probably , you know , in the  
17:46:55 7 thirty .

17:46:55 8 Q. Are you guessing now or are you --

17:46:59 9 A. Well , I know how much -- how much  
17:47:01 10 time I spent . Yeah , I'd say it's probably a  
17:47:04 11 third because there was a lot of it that burnt .

17:47:07 12 Q. Are you talking about from all the  
17:47:08 13 pallet sources or just from Chrysler right now?

17:47:12 14 A. From all the pallet source .

17:47:13 15 Q. I'm specifically talking about  
17:47:15 16 the pallets from Chrysler . Do you have a  
17:47:17 17 recollection of the pallets from Chrysler being  
17:47:19 18 generally in better condition than pallets from  
17:47:23 19 other sources ?

17:47:23 20 A. I don't have -- I can't say. I  
17:47:27 21 can't say .

17:47:27 22 Q. Okay . Now , with respect to the  
17:47:30 23 cardboard that you described , that came into a  
17:47:36 24 place and it was put on the slab ?

17:47:37 25 A. Right .

17:47:37 1 Q. And you said with respect to the  
17:47:39 2 cardboard that came from Chrysler that was  
17:47:43 3 brought in by Container Service , there was this  
17:47:46 4 operation with the Knowlen brothers ?

17:47:47 5 A. Right .

17:47:47 6 Q. And the Knowlen brothers would go  
17:47:49 7 through that cardboard and pack it all up and  
17:47:53 8 haul it away to the site ?

17:47:54 9 A. Haul it -- no , they would haul it  
17:47:57 10 to a recycler .

17:47:59 11 Q. That was off the site somewhere ?

17:48:01 12 A. Right .

17:48:01 13 Q. And then you said if there  
17:48:03 14 happened to be plastic wrap or sheet wrap , or  
17:48:07 15 little pieces of metal , that was thrown into a  
17:48:09 16 container ?

17:48:09 17 A. Right .

17:48:10 18 Q. And Container Service hauled that  
17:48:13 19 container away ; is that correct?

17:48:15 20 A. Right .

17:48:15 21 Q. And they hauled it to someplace  
17:48:18 22 off the South Dayton Dump , correct , as far as  
17:48:21 23 you know ?

17:48:21 24 A. As far as I know . I never really  
17:48:23 25 paid attention to -- to --

17:48:26 1 Q. Okay . I just want to know as far  
17:48:28 2 as you know . And that's as far as you know ; is  
17:48:32 3 that correct ?

17:48:32 4 A. That's as far as I know .

17:48:34 5 Q. With respect to the time frame  
17:48:39 6 that the incinerator -- the incinerator is the  
17:48:43 7 same as the air curtain destructor; is that --  
17:48:46 8 in your mind?

17:48:47 9 A. Correct .

17:48:48 10 Q. Initially you said it was under  
17:48:49 11 construction when you started in the spring of  
17:48:52 12 '71 . And your best estimate was that it  
17:48:56 13 started up sometime in the fall of 1971 ,  
17:48:56 14 correct?

17:49:00 15 A. Yeah .

17:49:00 16 Q. And then when you first testified  
17:49:02 17 about when did it end , you testified I believe  
17:49:04 18 it was sometime around September of 1973 . Do  
17:49:07 19 you recall that ?

17:49:07 20 A. That's when I left .

17:49:08 21 Q. I thought you said that's also --  
17:49:11 22 right around that time is when they stopped  
17:49:13 23 using it . Let me ask you this , though . I've  
17:49:16 24 seen a document from EPA that describes the  
17:49:18 25 same thing that you're describing, an air

17:49:20 1 curtain destructor , that says that that air  
17:49:22 2 curtain destructor was in operation for roughly  
17:49:25 3 a year or so .

17:49:26 4 Do you know whether or not -- is that  
17:49:29 5 consistent with your recollection that the air  
17:49:32 6 curtain destructor operation you were describing  
17:49:34 7 was in operation for roughly a year or so?

17:49:36 8 MR. SILVER: Objection .  
17:49:37 9 Characterization of a document not in evidence .

17:49:39 10 THE WITNESS: What , a total of one  
17:49:41 11 year ?

17:49:41 12 Q. A total of about a year or so .

17:49:43 13 A. Oh, no .

17:49:43 14 Q. Okay . It was longer than that ?

17:49:45 15 A. Right .

17:49:46 16 Q. And it's your recollection that it  
17:49:50 17 stopped because Alcine -- you said you and  
17:49:51 18 Alcine had a falling-out about the air curtain  
17:49:56 19 destructor ? I want to make sure I got it  
17:49:58 20 right .

17:49:59 21 A. No . It was about he didn't like  
17:50:00 22 what I did , didn't think I was working hard  
17:50:03 23 enough . And he would constantly be on my tail  
17:50:09 24 and bark ing and barking and barking and I  
17:50:13 25 finally told him where he could put the job and

17:50:15 1 I walked out .

17:50:16 2 Q. That was the falling-out you were  
17:50:18 3 describing ?

17:50:18 4 A. Right .

17:50:18 5 Q. At that point , was the air curtain  
17:50:21 6 destructor still in operation ?

17:50:22 7 A. Yes .

17:50:22 8 Q. You don't know how much longer  
17:50:25 9 after that that it continued to operate , right ?

17:50:27 10 A. No .

17:50:28 11 Q. Is that correct , you don't know  
17:50:30 12 how much longer ?

17:50:31 13 A. I know that my dad continued to do  
17:50:33 14 it , but he would do it by himself because he no  
17:50:36 15 longer had me .

17:50:37 16 Q. But you don't know for how much  
17:50:38 17 longer ; is that correct?

17:50:40 18 A. No , but I know he did --

17:50:41 19 MR. SILVER: Let him finish .

17:50:43 20 Q. I'm sorry . When I say is that  
17:50:45 21 correct , you can say yes or no if I've got it  
17:50:49 22 incorrect . I want to make sure we don't get a  
17:50:49 23 double negative here.

17:50:50 24 So do you know how much longer after  
17:50:52 25 you left that your father continued to operate the

17:50:55 1 air curtain destructor?

17:50:56 2 A. I'm guessing -- you know , I left  
17:50:59 3 in '73 . Probably another four or five years ,  
17:51:05 4 I would imagine .

17:51:06 5 Q. Now , you're imagining and you  
17:51:08 6 started that with a guess . I want to know if  
17:51:10 7 you know .

17:51:10 8 A. Well , now I do now because here's  
17:51:14 9 the application s to run it all the way up until  
17:51:17 10 '78 .

17:51:17 11 Q. I saw that . But do you know  
17:51:19 12 independently , based upon your own independent  
17:51:21 13 knowledge , regardless of what these  
17:51:23 14 applications may or may not say , do you know  
17:51:26 15 how much longer he continued to operate it  
17:51:27 16 after you left ?

17:51:27 17 A. No.

17:51:33 18 Q. Everybody can draw whatever  
17:51:36 19 inferences they want .

17:51:36 20 A. I know it did not cease the day I  
17:51:38 21 worked off the job .

17:51:40 22 Q. I got that . I understand that .

17:51:46 23 I want to ask you just a little bit  
17:51:49 24 about Broadway Sand & Gravel . You mentioned that  
17:51:52 25 and you said that was a different operation . Can

17:51:54 1 you tell me, what was Broadway Sand & Gravel ?

17:51:56 2 A. They sold sand , gravel , and  
17:51:59 3 topsoil .

17:51:59 4 Q. And who's they ?

17:52:01 5 A. It was a -- it was a -- you know ,  
17:52:06 6 a single owner business . And the topsoil , I  
17:52:15 7 think they got it off the river bed , from the  
17:52:19 8 flood zone s right on the other side from where  
17:52:21 9 the dump was . And then the sand and gravel  
17:52:22 10 came , that's what the dump is in , is called a  
17:52:24 11 sand and gravel pit , that created the hole and  
17:52:27 12 the void to start the dump .

17:52:29 13 Q. Was this Broadway Sand & Gravel  
17:52:32 14 operation going on during the 1960s and 1970 s ?

17:52:36 15 A. Yes .

17:52:37 16 Q. And when you said it was a single  
17:52:38 17 owned operation , you said they . Were they , the  
17:52:42 18 people that owned and operated it , associated  
17:52:44 19 or related to the Grillot s or the Boesch es ?

17:52:44 20 A. No .

17:52:47 21 Q. Did they have an office somewhere  
17:52:49 22 in the vicinity of South Dayton Dump parcel ?

17:52:52 23 A. About three , four doors down  
17:52:58 24 north -- or south of where the dump entrance  
17:53:00 25 was .



17:53:01 1 Q. So it was right on whatever the  
17:53:03 2 street was then name d?

17:53:03 3 A. Broadway , Springboro Pike .  
17:53:05 4 Whatever you want to call it .

17:53:06 5 Q. And where did they get -- during  
17:53:08 6 the '60s and '70s where did they get their  
17:53:08 7 excavated materials they were selling? You  
17:53:14 8 described maybe the bottom of the Miami River.  
17:53:14 9 Was it excavated material from the South Dayton  
17:53:21 10 Dump or was it a different area ?

17:53:21 11 A. No , same -- same region , but the  
17:53:23 12 dump was here (indicating), then there was pond  
17:53:25 13 (indicating), and then that's where they got  
17:53:27 14 their sand and gravel .

17:53:28 15 Q. Okay . And when we read this  
17:53:30 16 later , just so we're understanding what you're  
17:53:32 17 talking about , you said the dump was here  
17:53:35 18 (indicating) . You're pointing to a section of  
17:53:37 19 the dump and then further south of that was the  
17:53:39 20 pond ?

17:53:40 21 A. Yes .

17:53:41 22 Q. And further south of that was  
17:53:42 23 where they were excavating sand and gravel to  
17:53:45 24 sell ?

17:53:45 25 A. Yes .

17:53:45 1 Q. Did they lease that property from  
17:53:47 2 either the Grillots or the Boesch or did they  
17:53:49 3 own it?

17:53:50 4 A. No, I'm sure they leased -- well,  
17:53:51 5 this was all owned by my uncle and Boesch. So  
17:53:55 6 I'm sure he leased it.

17:53:56 7 Q. Okay.

17:53:57 8 A. But do I know, no.

17:53:58 9 Q. Do you know when that operation,  
17:54:05 10 the Broadway Sand & Gravel operation, ceased?

17:54:05 11 A. No.

17:54:11 12 Q. Was it still going on in the  
17:54:13 13 1980s?

17:54:14 14 A. I believe so. They're still in  
17:54:17 15 operation, but they're on a smaller scale and  
17:54:19 16 it's not owned by the same people now.

17:54:21 17 Q. Another entity that came up was  
17:54:27 18 Moraine Recycling.

17:54:28 19 A. Correct.

17:54:29 20 Q. And what was Moraine Recycling?

17:54:31 21 A. That was the joint venture between  
17:54:35 22 Larry Brannon, the Aldriches, and my father.

17:54:39 23 Q. And that's the cardboard --

17:54:44 24 A. The cardboard.

17:54:45 25 Q. -- recycling or wood burning or

17:54:48 1 recycling that you described ?

17:54:49 2 A. Right .

17:54:50 3 Q. Anything else ?

17:54:51 4 A. No .

17:54:52 5 Q. So is that something that would

17:55:05 6 have started up around 1971 or so when you

17:55:09 7 started working and you described the

17:55:11 8 construction of this incinerator ?

17:55:12 9 A. Right .

17:55:13 10 Q. And that's the same operation --

17:55:17 11 we don't know exactly when it ended is what we

17:55:20 12 just talked about ?

17:55:20 13 A. Well , in these papers here , it

17:55:23 14 ended somewhere between '77 and '78 . I think

17:55:28 15 it's '77 , '78 .

17:55:30 16 Q. And when you say these papers

17:55:32 17 here , you're looking at the applications that

17:55:34 18 were marked previously as exhibits ?

17:55:36 19 A. Right .

17:55:36 20 Q. But now I don't want you to draw

17:55:42 21 inferences from documents that you have never

17:55:44 22 seen before .

17:55:44 23 A. Well , I don't have to draw

17:55:47 24 inferences . It's plain as day . On 14 , which

17:55:50 25 is dated November 11 , '77 , which is an

17:55:54 1 application to the EPA , my father signed it  
17:55:57 2 Alcine Grillot , partner . Partner . Alcine  
17:56:04 3 Grillot , partner on every year prior to that .

17:56:05 4 Q. Sure .

17:56:06 5 A. On the application dated September  
17:56:09 6 27 , 1978 , Alcine Grillot , owner . So somewhere  
17:56:14 7 between '77 and '78 , that's where they had a  
17:56:17 8 falling-out .

17:56:18 9 Q. And they -- by they , you mean --

17:56:20 10 A. Larry Brannon , my father , and the  
17:56:23 11 Aldriches .

17:56:23 12 Q. Do you know if Mr. Aldrich was  
17:56:26 13 even associated in any way , shape , or form with  
17:56:30 14 Moraine Recycling or Container Service after  
17:56:35 15 1975 ?

17:56:36 16 A. I don't know .

17:56:37 17 Q. Okay . Same question with respect  
17:56:39 18 to Mr. Brannon ?

17:56:40 19 A. Well , I'm sure somebody else was  
17:56:43 20 because --

17:56:44 21 Q. I'm sure somebody may have been .  
17:56:47 22 I'm asking you with respect to Mr. Brannon ?

17:56:49 23 A. I'll have to say no because I  
17:56:53 24 wasn't privy to that .

17:56:54 25 Q. So you don't know who Mr. -- or

17:56:57 1 Alcine's partners were in the Moraine Recycling  
17:57:01 2 operation , if it was a partnership , after you  
17:57:03 3 left in 1971 -- I'm sorry -- 1973 ; is that  
17:57:07 4 fair ?

17:57:07 5 A. What -- you know , whatever you  
17:57:11 6 want to conjecture .

17:57:12 7 Q. I'm not conjecturing . I'm asking  
17:57:14 8 you what you know .

17:57:15 9 A. What I know , they were partners  
17:57:17 10 all the way to the end .

17:57:18 11 Q. Now , how do you know that ?

17:57:19 12 A. My father told me .

17:57:21 13 Q. When did your father tell you  
17:57:23 14 this ?

17:57:23 15 A. I knew it all the way up until the  
17:57:25 16 end because my father said they were disbanded .  
17:57:28 17 Do I know what year that was , no , I don't . Do  
17:57:30 18 I know now , I can tell '77 , '78 .

17:57:33 19 Q. You say you can tell that based  
17:57:36 20 upon these applications that were marked as  
17:57:38 21 exhibits ?

17:57:38 22 A. Yes .

17:57:39 23 Q. Putting all those aside , I want to  
17:57:41 24 know what you personally know outside of what  
17:57:43 25 inference you're drawing from those . Are you

17:57:45 1 testifying that Mr. Aldrich was a partner with  
17:57:48 2 your father in 1976 in connection with this  
17:57:50 3 operation ?

17:57:51 4 A. Do I know for a fact , no .

17:57:52 5 Q. Do you know for a fact whether or  
17:57:54 6 not Mr. Brannon was ?

17:57:54 7 A. No .

17:57:56 8 Q. Same question with respect to  
17:57:57 9 1974 , 1975 or 1977 , do you know for a fact  
17:58:01 10 whether either one of those were a partner with  
17:58:04 11 your father ?

17:58:04 12 A. No .

17:58:22 13 Q. Mr. Silver asked you whether you  
17:58:24 14 were on any medications and you said well , you  
17:58:27 15 might have preferred for this experience that  
17:58:29 16 you're about to undergo . In general , how's  
17:58:32 17 your health ?

17:58:32 18 A. Very well .

17:58:33 19 Q. Is there any reason that you  
17:58:34 20 wouldn't be around either physically around or  
17:58:36 21 health y enough to testify at trial should this  
17:58:40 22 matter go to trial , say , in one , two , or three  
17:58:44 23 years ?

17:58:44 24 A. Sure . Yes .

17:58:48 25 Q. You'll be fit and available , you

17:58:51 1 believe , correct?

17:58:52 2 A. Well , I hope so .

17:58:53 3 Q. Are you being compensated in any  
17:59:13 4 way , shape , or form for testifying today ?

17:59:23 5 A. No.

17:59:23 6 MR. HARBECK: That's all the  
17:59:24 7 questions I have . Thanks .

17:59:26 8 MR. SILVER: Anyone else in the room  
17:59:27 9 have any questions ? Okay . Let's go to the phone .  
17:59:30 10 There were two or three more on the phone .

17:59:47 11 (Thereupon, an off-the-record  
17:59:47 12 discussion was had.)

17:59:47 13 CROSS-EXAMINATION

17:59:47 14 BY MR. SLAUGHTER:

17:59:47 15 Q. Mr. Grillot , this is James  
17:59:50 16 Slaughter . I'm counsel for Ohio Bell . I just  
17:59:52 17 want to thank you very much for your patience  
17:59:54 18 and your time today in helping us with this  
17:59:57 19 issue . I believe I have just one question .

18:00:01 20 Do you have any knowledge or  
18:00:03 21 information regarding Ohio Bell waste coming to  
18:00:07 22 or being disposed of at the South Dayton Dump ?

18:00:07 23 A. No.

18:00:15 24 MR. SLAUGHTER: Thank you very much .  
18:00:16 25 I'm done .

18:00:16 1 CROSS-EXAMINATION

18:00:22 2 BY MR. FRY:

18:00:22 3 Q. Mr. Grillot , I'm Roger Fry , as I  
18:00:27 4 just indicated . I'm here as counsel for  
18:00:30 5 Peerless Transportation about which you  
18:00:34 6 testified just briefly a couple of times today .  
18:00:36 7 I just have a few questions regarding that that  
18:00:40 8 I'd like to ask you , sir .

18:00:42 9 I think you indicated that you  
18:00:43 10 recall ed seeing the gray Peerless truck s with the  
18:00:47 11 Peerless sign on the door s in the 1960 s , late  
18:00:51 12 1960 s time frame ; is that correct?

18:00:54 13 A. Yes .

18:00:54 14 Q. And at that time , was it your  
18:00:57 15 understanding that they were bringing foundry  
18:01:03 16 sand to the South Dayton site ?

18:01:05 17 A. Yes .

18:01:05 18 Q. Did you -- do you know whether or  
18:01:13 19 not there was anything mixed in with the sand  
18:01:17 20 or was it , to the best of your knowledge ,  
18:01:20 21 simply foundry sand like you've described , as  
18:01:23 22 you've testified earlier ?

18:01:24 23 A. I think occasionally on -- you  
18:01:28 24 know , now that you're talking about it again ,  
18:01:31 25 occasionally there might be a casting that was



18:01:34 1 bad, you know, like -- I'm not sure what GH&R  
18:01:40 2 casts. But sometimes you would find a bad cast  
18:01:43 3 or my father would find a bad cast in the sand  
18:01:46 4 and he would pull it out and sell it for iron.

18:01:49 5 Q. I see. Do you know -- do you know  
18:01:53 6 of your own knowledge if there were any of  
18:01:55 7 those bad casts that your dad pulled out that  
18:01:57 8 came in with the foundry sand delivered by  
18:02:01 9 Peerless?

18:02:02 10 A. No, I don't.

18:02:03 11 Q. All right. And I think what  
18:02:05 12 you're saying then is there could have been or  
18:02:08 13 it's a possibility, but it's not something  
18:02:10 14 about which you have any specific recollection.  
18:02:12 15 Is that so?

18:02:13 16 A. Yes.

18:02:13 17 Q. Thank you. And what is the name  
18:02:18 18 of the company from which that foundry sand was  
18:02:21 19 being delivered? Did you say DH&R?

18:02:23 20 A. GH&R.

18:02:26 21 Q. What is that? I should know that,  
18:02:30 22 but I don't.

18:02:32 23 A. I don't know. It was just GH&R  
18:02:34 24 Foundry. I don't know what the GHR stood for.  
18:02:37 25 It's no longer here, I don't believe.

18:02:40 1 Q. No, it's no longer in business, I  
18:02:42 2 don't -- I don't think I've seen it recently or  
18:02:47 3 maybe ever.

18:02:48 4 Then when you were talking about  
18:02:50 5 foundry -- foundry sand being delivered by Dayton  
18:02:53 6 Walther, do you recall that that was a little bit  
18:02:56 7 later in time where you were actually working  
18:02:58 8 there and that foundry sand was being delivered in  
18:03:01 9 their own vehicles?

18:03:02 10 A. Yes.

18:03:03 11 Q. Do you recall anything else  
18:03:13 12 regarding Peerless other than that which you've  
18:03:16 13 testified to?

18:03:16 14 A. No.

18:03:19 15 MR. FRY: All right, sir. That's all  
18:03:21 16 I have. I'd like to join in others in thanking  
18:03:24 17 you for your time today. I know it's been a long  
18:03:26 18 one. So thank you, sir. That's all I have.

18:03:26 19 CROSS-EXAMINATION

18:03:28 20 BY MR. THUMANN:

18:03:28 21 Q. This is Rob Thumann. I represent  
18:03:30 22 Franklin Iron & Metal Corporation. I have some  
18:03:34 23 brief questions for you.

18:03:35 24 I'd first like to ask you some  
18:03:36 25 questions about Michael Wendling who I believe is

18:03:39 1 your cousin . Is that correct ?

18:03:40 2 A. Yes .

18:03:40 3 Q. And are you aware that

18:03:43 4 Mr. Wendling has provided testimony in this

18:03:45 5 case ?

18:03:46 6 A. No, I wasn't . I am aware now .

18:03:48 7 Q. Have you ever had any

18:03:50 8 discussions --

18:03:50 9 A. I am aware now .

18:03:51 10 Q. But prior to your deposition

18:03:55 11 today , were you aware that Mr. Wendling had

18:03:56 12 provided deposition testimony in the case ?

18:03:58 13 A. No .

18:03:58 14 Q. Have you ever had any discussions

18:04:01 15 with Mr. Wendling about this case at any time ?

18:04:01 16 A. No .

18:04:07 17 Q. Has anyone told you about

18:04:08 18 Mr. Wendling 's testimony in this case ?

18:04:08 19 A. No .

18:04:13 20 Q. When have you last spoken to or

18:04:15 21 seen Mr. Wendling ?

18:04:16 22 A. You asked me if I had any prior

18:04:20 23 knowledge of Mike talking or giving a

18:04:22 24 deposition ?

18:04:26 25 Q. Yes, sir . That's correct .

18:04:27 1 A. I think maybe Bill Walsh had said  
18:04:30 2 that he had prior .

18:04:31 3 Q. And when -- Mr. Walsh provided you  
18:04:35 4 that information ?

18:04:35 5 A. Right .

18:04:36 6 Q. And when did Mr. Walsh tell you  
18:04:40 7 about Mr. Wendling 's deposition ?

18:04:41 8 A. That I can't remember .

18:04:43 9 Q. Okay . What did he tell about  
18:04:46 10 Mr. Wendling 's deposition ?

18:04:47 11 A. Just that he had given a  
18:04:49 12 deposition .

18:04:50 13 Q. Did he provide you any information  
18:04:53 14 about the content of Mr. Wendling 's testimony ?

18:04:53 15 A. No.

18:04:58 16 Q. Do you have any knowledge about  
18:05:00 17 Mr. Wendling 's testimony ?

18:05:00 18 A. No.

18:05:04 19 Q. When was the last time that you  
18:05:05 20 either seen or have spoken to Mr. Wendling ?

18:05:08 21 A. I believe it was last August .

18:05:11 22 Q. How often do you see Mr. Wendling ?

18:05:16 23 A. Very rarely . He lives in North  
18:05:21 24 Carolina .

18:05:21 25 Q. What was the occasion that you saw

18:05:23 1 him last August ?

18:05:23 2 A. He was in town , and he did some  
18:05:26 3 concrete work for me .

18:05:27 4 Q. Other than the fact that you have  
18:05:33 5 a distance between your current location , do  
18:05:35 6 you have a decent relationship with  
18:05:37 7 Mr. Wendling ?

18:05:38 8 A. Yes .

18:05:38 9 Q. Okay . I believe he's five years  
18:05:41 10 older than you ; is that correct?

18:05:43 11 A. That sounds about right .

18:05:44 12 Q. And when you were -- when you were  
18:05:46 13 children growing up , it's my understanding  
18:05:51 14 that -- just tell me . Did you have any  
18:05:53 15 relationship with Mr. Wendling when you were  
18:05:55 16 children growing up ?

18:05:56 17 A. Some . Some but not a lot . You  
18:05:59 18 know , he was -- like you said , he was fifteen ,  
18:06:02 19 I was eleven . You know , you're not going to  
18:06:05 20 hang with an eleven year old .

18:06:07 21 Q. Sure . Now , I believe that your  
18:06:10 22 testimony today was that you began , I guess ,  
18:06:12 23 maybe hanging around the dump in the early  
18:06:17 24 '60 s ; is that correct , about ten years old or a  
18:06:21 25 little older ?

18:06:21 1 A. Approximately .

18:06:22 2 Q. And you began working at the dump  
18:06:25 3 in 1971 till about 1973 , correct ?

18:06:29 4 A. Correct .

18:06:29 5 Q. In that time frame , were you aware  
18:06:32 6 of whether or not Mr. Wendling was working at  
18:06:34 7 the dump in any way ?

18:06:34 8 A. No.

18:06:38 9 Q. You're saying he was not working  
18:06:39 10 there or you don't know ?

18:06:40 11 A. I don't know . If he did , I didn't  
18:06:43 12 know .

18:06:43 13 Q. Okay . Now , in that time frame , I  
18:06:46 14 think you testified that you were there on a  
18:06:47 15 pretty frequent basis ; is that correct ?

18:06:52 16 A. On a -- I didn't hang there . Once  
18:06:55 17 a week -- what time frame are you talking ?

18:06:59 18 Q. Well , let's just break it down . I  
18:07:01 19 guess in the early '60s , how often were you on  
18:07:05 20 the site ?

18:07:05 21 A. Once a week , once every other week  
18:07:09 22 with my mother .

18:07:09 23 Q. And in that time frame , did you  
18:07:12 24 have occasion to see Mr. Wendling at the site ?

18:07:15 25 A. Not that I can remember .

18:07:20 1 Q. How about in the late '60s, did  
18:07:22 2 you ever have any occasion to see Mr. Wendling  
18:07:25 3 at the site in that time frame ?

18:07:27 4 A. Not that I can remember .

18:07:29 5 Q. And in the -- the once a week  
18:07:31 6 or -- I missed this question . In the late  
18:07:34 7 '60s, how often were you at the site ?

18:07:36 8 A. Once every other couple weeks .

18:07:39 9 Q. All right . On those occasions in  
18:07:43 10 the '60s, in the early and mid and late '60s,  
18:07:47 11 when you came to the site , did you have  
18:07:49 12 occasion to see other individuals who were  
18:07:51 13 working at the site or hanging around at the  
18:07:53 14 site ?

18:07:53 15 A. I saw my uncle and Bud Young who  
18:07:56 16 worked for my father .

18:07:57 17 Q. Again , in this time frame when you  
18:08:01 18 were ten to maybe fifteen years old and Michael  
18:08:05 19 was , I guess , fifteen to twenty years old , if  
18:08:08 20 he would have been at the site at that time ,  
18:08:11 21 did you have enough of a relationship with him  
18:08:13 22 that you would have recognized him at the site ?

18:08:15 23 A. Oh, yes .

18:08:16 24 Q. Now , in the time frame of 1970 or  
18:08:21 25 '71 when you began working at the site , it's my

18:08:23 1 understanding that you were there at least  
18:08:25 2 five , five and a half times a week ; is that  
18:08:25 3 correct?

18:08:28 4 A. When I -- when I was working  
18:08:31 5 there ?

18:08:32 6 Q. That's correct . You worked there  
18:08:33 7 full-time , correct?

18:08:35 8 A. Right . I was there five and a  
18:08:36 9 half days .

18:08:36 10 Q. And in that time frame , was  
18:08:38 11 Mr. Wendling working at the site ?

18:08:42 12 A. Not that I ever saw .

18:08:44 13 Q. Did he have occasion to even hang  
18:08:45 14 around the site at that time ?

18:08:47 15 A. I don't know . It's possible .

18:08:53 16 Q. And you say it's possible . But ,  
18:08:58 17 again , in this time frame , you would have  
18:09:00 18 recognized him as your cousin if you saw him at  
18:09:03 19 the site , correct?

18:09:04 20 A. If he would have came there , I  
18:09:05 21 would have spoke with him . But do I remember  
18:09:07 22 one time , I don't -- it doesn't stick out in my  
18:09:10 23 mind .

18:09:10 24 Q. Just so I'm clear on your  
18:09:14 25 testimony , in the time frame , even from the



18:09:16 1 early '60s into the early '70s , am I clear that  
18:09:20 2 he was not there every day , if he did show up ,  
18:09:22 3 it would have been on a sporadic time frame  
18:09:25 4 that maybe you would have just seen him? Is  
18:09:28 5 that what I understand your testimony to be?

18:09:30 6 MR. SILVER: Objection . Compound .  
18:09:31 7 Confusing .

18:09:37 8 THE WITNESS: I don't know where  
18:09:38 9 you're trying to go with it. He's my cousin . We  
18:09:41 10 have great -- great terms , always have . And if I  
18:09:47 11 saw him , I saw him , but there was nothing to make  
18:09:49 12 it stick out in my mind to where I can say yeah , I  
18:09:55 13 saw him in 1972 or I saw him in 1968 . Nothing  
18:09:59 14 that would -- that would stick out to make me  
18:10:03 15 remember .

18:10:03 16 Q. If I asked you to assume that  
18:10:07 17 Mr. Wendling testified that he was on site on a  
18:10:10 18 nearly daily basis through the '60s and early  
18:10:14 19 '70s , would that be inconsistent with your  
18:10:19 20 testimony ?

18:10:19 21 MR. SILVER: Objection.

18:10:21 22 THE WITNESS: I'm not sure . My aunt ,  
18:10:24 23 his mother , was a firm believer of work . So  
18:10:27 24 there's a possibility when I was eleven , twelve ,  
18:10:29 25 thirteen , that he might have been working up there

18:10:31 1 during the summers because my aunt , she had ten  
18:10:35 2 children and she would put everybody to work . So  
18:10:38 3 there's a possibility that he was there . But did  
18:10:40 4 I notice -- did I notice it --

18:10:42 5 Q. I understand that --

18:10:45 6 A. Go ahead .

18:10:46 7 Q. I understand that that's your  
18:10:48 8 testimony for the early '60s and the mid '60s;  
18:10:52 9 but when you were working there on a full-time  
18:10:54 10 basis in the early '70s , if he was there every  
18:10:57 11 day , would you have noticed that he was there  
18:10:59 12 every day ?

18:10:59 13 A. Yes .

18:11:00 14 Q. And you did not notice that he was  
18:11:05 15 there every day , correct ?

18:11:06 16 A. Correct .

18:11:07 17 Q. I'd like to ask you some questions  
18:11:15 18 about Delco. You mentioned in your prior  
18:11:18 19 testimony today that Delco had a key , correct?

18:11:19 20 A. Correct .

18:11:20 21 Q. And when did you first become  
18:11:23 22 aware that Delco had a key?

18:11:26 23 A. I don't know .

18:11:27 24 Q. Was it in the time that you were  
18:11:31 25 employed there in the early '70s or did you

18:11:34 1 become aware that they had key even earlier  
18:11:36 2 than that when you were hanging around the  
18:11:38 3 site ?

18:11:38 4 A. It would probably have been the  
18:11:40 5 time when I was employed there .

18:11:41 6 Q. And how did you come to realize  
18:11:43 7 that Delco had a key ?

18:11:46 8 A. There was two drivers for Delco  
18:11:47 9 that would come into the dump and they became  
18:11:50 10 really good friends with my father . So that --  
18:11:58 11 it was a real strong friend ship . And so I knew  
18:12:03 12 they had a key --

18:12:04 13 Q. How long --

18:12:05 14 A. Huh ?

18:12:05 15 Q. How often were these Delco drivers  
18:12:08 16 coming to the site ?

18:12:09 17 A. Oh, daily , three or four times a  
18:12:12 18 day .

18:12:12 19 Q. Am I correct that they were also  
18:12:15 20 dumping in the evening also or overnight ?

18:12:17 21 A. If they happen to work overtime or  
18:12:20 22 come in early .

18:12:21 23 Q. Do you remember specifically what  
18:12:23 24 they were dumping ?

18:12:25 25 A. They would dump wood . They would

18:12:30 1 dump drums . They would dump dirt . Anything  
18:12:38 2 that would come out of that plant .

18:12:39 3 Q. Did you personally get to know  
18:12:41 4 these Delco drivers ?

18:12:43 5 A. Yes .

18:12:43 6 Q. And did you , in fact , know that  
18:12:46 7 they were employees of Delco ?

18:12:47 8 A. Yes .

18:12:47 9 Q. Do you remember the names of these  
18:12:50 10 drivers ?

18:12:51 11 A. Don Kelly and Bob Childress .

18:12:59 12 Q. Do you know if Mr. Kelly is still  
18:13:03 13 alive ?

18:13:03 14 A. No , he's not .

18:13:04 15 Q. Do you know if Mr. Childress is  
18:13:07 16 still alive ?

18:13:08 17 A. I am not sure .

18:13:09 18 Q. Do you know if their families  
18:13:14 19 still live in the Dayton area ?

18:13:16 20 A. I don't know .

18:13:17 21 Q. And how is it that you knew that  
18:13:20 22 they were actually employees of Delco ?

18:13:22 23 A. Well , they drove a Delco truck .

18:13:30 24 Q. Can you describe the truck ?

18:13:31 25 A. I believe they were blue also .

18:13:33 1 Q. You say blue also . What do you  
18:13:39 2 mean blue also ? Was there something else that  
18:13:42 3 was blue ?

18:13:43 4 A. Frigidaire 's trucks were blue .  
18:13:46 5 Bluish green , something like that .

18:13:47 6 Q. Did these indicate in some way  
18:13:48 7 that they were Delco trucks ? Did they say  
18:13:51 8 Delco on them ?

18:13:52 9 A. Yes , they did .

18:13:54 10 Q. Did Mr. Kelly or Mr. Childress  
18:13:57 11 wear a uniform of any kind ?

18:13:57 12 A. No .

18:14:02 13 Q. And this was through out the  
18:14:03 14 early -- were they also coming in the early  
18:14:06 15 '60 s , prior to your working there ?

18:14:08 16 A. No . I don't think they -- they  
18:14:10 17 came on those jobs until , I guess , about the  
18:14:16 18 time that I started working there .

18:14:18 19 Q. So in the early '70s is when you  
18:14:23 20 remember the Delco trucks coming ?

18:14:25 21 A. Yes .

18:14:25 22 Q. Do you know of any other companies  
18:14:27 23 that were delivering Delco loads on behalf of  
18:14:31 24 Delco ?

18:14:31 25 A. No .

18:14:31 1 Q. And would you have any reason to  
18:14:33 2 believe that any other companies or entities  
18:14:36 3 were delivering parts and loads on behalf of  
18:14:40 4 Delco ?

18:14:41 5 A. No .

18:14:41 6 Q. I didn't quite understand your  
18:14:44 7 answer . You said no . Are you disagreeing with  
18:14:48 8 me that you wouldn't know either way or are you  
18:14:50 9 saying that no , that there were no other --

18:14:54 10 A. I would say no -- I would say no ,  
18:14:56 11 that would not have happened because that was a  
18:14:59 12 union shop and a union shop would not let an  
18:15:03 13 outside non union carrier take their work from  
18:15:05 14 them .

18:15:05 15 Q. If there's been testimony that  
18:15:12 16 other companies were driving Delco parts in, do  
18:15:16 17 you believe that that would have been mistaken  
18:15:18 18 testimony ?

18:15:18 19 A. In my opinion , yes .

18:15:19 20 Q. Would you be surprised if  
18:15:21 21 Mr. Wendling testified that Delco parts and  
18:15:24 22 loads were being brought by other companies ?

18:15:26 23 A. Well , nothing will surprise me .  
18:15:32 24 But I would find it , you know , highly unlikely .  
18:15:37 25 But , of course , you're talking -- I don't know

18:15:40 1 what year you're talking . I wouldn't think so .

18:15:42 2 Put it that way .

18:15:43 3 Q. Are you aware whether or not

18:15:48 4 Delco parts and Delco loads were brought in

18:15:52 5 prior to the times when Mr. Kelly and

18:15:58 6 Mr. Childress were bringing the loads ?

18:15:59 7 A. Were they brought in prior to

18:16:05 8 those two driving the trucks ? Yes .

18:16:07 9 Q. That's correct ?

18:16:09 10 A. Yes .

18:16:11 11 Q. I'm sorry , I didn't hear your

18:16:13 12 answer .

18:16:13 13 A. Yes .

18:16:14 14 Q. They were brought in prior to

18:16:15 15 that ?

18:16:15 16 A. Yes .

18:16:16 17 Q. And do you know who was bringing

18:16:18 18 the loads in at that time ?

18:16:18 19 A. No.

18:16:23 20 Q. Now , you testified that your dad

18:16:25 21 was selling other recyclables to Franklin Iron

18:16:29 22 & Metal Corporation , correct?

18:16:30 23 A. Correct .

18:16:30 24 Q. Would Franklin Iron & Metal come

18:16:32 25 and pick up those recyclable materials ?

18:16:34 1 A. I believe my father always took it  
18:16:37 2 to you .

18:16:37 3 Q. Did you ever see Franklin & Iron  
18:16:42 4 vehicles on the -- at the site ?

18:16:42 5 A. No.

18:16:48 6 Q. Even in the early '60s before you  
18:16:50 7 were working there , at any time did you ever  
18:16:52 8 see Franklin Iron & Metal Corporation trucks at  
18:16:56 9 the site ?

18:16:56 10 A. Not that I ever paid attention .

18:16:58 11 Q. Do you have any knowledge of  
18:17:00 12 Franklin Iron & Metal ever providing or  
18:17:02 13 delivering any waste to the dump site ?

18:17:02 14 A. No.

18:17:07 15 MR. THUMANN: That's all the  
18:17:08 16 questions I have , sir .

18:17:12 17 MR. SILVER: Anyone else on the  
18:17:14 18 phone ? Anyone else in the room ?

18:17:25 19 MR. HARBECK: If you're going to  
18:17:27 20 redirect , I've got one or two questions that I can  
18:17:30 21 stick in between .

18:17:31 22 MR. SILVER: I'm all right with that .

18:17:33 23 FURTHER CROSS-EXAMINATION

18:17:33 24 BY MR. HARBECK:

18:17:33 25 Q. You're back with me , Mr. Grillot .



18:17:35 1 Very short .

18:17:36 2 I want to just go back to your  
18:17:38 3 recollection of bad castings being in foundry sand  
18:17:44 4 every once in a while . Do you remember that ?

18:17:45 5 A. Right .

18:17:46 6 Q. When you were testifying about  
18:17:47 7 that , were you testifying that you didn't know  
18:17:49 8 the source of those castings , it could have  
18:17:51 9 come from anybody that sent the foundry sand or  
18:17:54 10 did you have a specific recollection of those  
18:17:57 11 bad castings coming from one -- any particular  
18:18:00 12 one company ?

18:18:00 13 A. If they were in the foundry sand ,  
18:18:02 14 they came from whoever dropped that load .

18:18:04 15 Q. So at this point , bad castings  
18:18:06 16 also could have come from Dayton Walther ?

18:18:09 17 A. Correct .

18:18:11 18 MR. HARBECK: Okay. That's all I  
18:18:13 19 have . Thank you .

18:18:13 20 CROSS-EXAMINATION

18:18:20 21 BY MR. RUDLOFF:

18:18:20 22 Q. Sir , I'm Drew Rudloff . I  
18:18:22 23 represent the Dayton Board of Education .

18:18:24 24 Do you have any knowledge or  
18:18:25 25 information as to whether the Dayton Board of

18:18:25 1 Education --

18:18:25 2 MR. COUGHLIN: Whoever is talking, we  
18:18:25 3 can't hear you on the phone.

18:18:25 4 MR. RUDLOFF: Sure. Sorry, Bill.

18:18:32 5 Q. I represent the Dayton Board of  
18:18:35 6 Education . Do you have any knowledge or  
18:18:36 7 information as to whether the Dayton Board of  
18:18:38 8 Education or any of the Dayton Public Schools  
18:18:40 9 disposed of waste at the site ?

18:18:41 10 A. Do I have any knowledge , no .

18:18:44 11 MR. RUDLOFF: Thank you .

18:18:44 12 REDIRECT EXAMINATION

18:18:56 13 BY MR. SILVER:

18:18:56 14 Q. Just a few questions for you .

18:18:58 15 Can you take a look at what we marked  
18:19:00 16 as Exhibit 3 ? It's the one that's titled tax map .  
18:19:10 17 Do you have that in front of you ?

18:19:11 18 A. Yes .

18:19:11 19 Q. With respect to Mr. Harbeck 's  
18:19:16 20 questions about the letters that could be MCD ,  
18:19:21 21 have you ever heard of the Miami Conservation  
18:19:25 22 District?

18:19:25 23 A. Yes , I have .

18:19:26 24 Q. What do you know about that ?

18:19:28 25 A. Well , if you -- if you look at

18:19:35 1 the -- if you look at the map and if you look  
18:19:38 2 right there (indicating) , you'll read MCD also .

18:19:42 3 Q. Let me come around so I can see  
18:19:44 4 where you're pointing .

18:19:50 5 A. (Indicating.)

18:19:51 6 Q. Okay . That's -- all right . Do  
18:19:54 7 you know what the Miami Conservation District  
18:19:57 8 is?

18:19:58 9 A. The Miami -- as far as I can  
18:20:01 10 remember and recall , it's -- they took care of  
18:20:06 11 the levies and the dams after the 1913 flood .

18:20:10 12 Q. Uh-huh . Do you know if your  
18:20:12 13 family had any connection to them with regard  
18:20:15 14 to any of the land ownings of the Grillots or  
18:20:20 15 Boesch's ?

18:20:20 16 A. No .

18:20:21 17 Q. Okay . We talked a little bit  
18:20:29 18 about foundries sending waste to the site , and  
18:20:32 19 you mentioned Dayton Walter and GH&R .

18:20:37 20 A. Correct .

18:20:37 21 Q. Do you remember any other  
18:20:40 22 foundries sending waste to the site ?

18:20:40 23 A. No.

18:20:46 24 Q. You mentioned plywood castings . I  
18:20:48 25 think that was the word you used .

18:20:51 1 A. No. Plywood sheets that was --  
18:20:53 2 separated the castings .

18:20:54 3 Q. I see .

18:20:56 4 A. It's like building a cake , you  
18:20:58 5 know, you put four down , put a piece of plywood  
18:21:01 6 that stabilizes , makes another table , and you  
18:21:04 7 put four more on , another plywood .

18:21:07 8 Q. Understood . You mentioned them  
18:21:08 9 with respect to Dayton Walter . Do you know of  
18:21:10 10 any plywood sheets used for separating castings  
18:21:15 11 from any other company ?

18:21:15 12 A. No.

18:21:24 13 Q. I can't remember if we asked this  
18:21:27 14 question earlier . Do you remember the name of  
18:21:29 15 the Coca-Cola investigator that you had  
18:21:32 16 breakfast with ?

18:21:32 17 A. No.

18:21:33 18 Q. Do you remember his name ?

18:21:33 19 A. No.

18:21:34 20 Q. Did he give you his name ?

18:21:35 21 A. Yes , he did .

18:21:37 22 Q. Did he give you a card ?

18:21:37 23 A. No.

18:21:59 24 Q. Where was GH&R located , if you  
18:22:02 25 know ?

18:22:02 1 A. If you follow the river -- the Mad  
18:22:05 2 River that we looked at out the window --

18:22:07 3 Q. Did we ask that question earlier ?

18:22:09 4 A. Yes .

18:22:10 5 Q. Okay . I'll withdraw it .

18:22:18 6 MR. SILVER: Okay . That's all the  
18:22:19 7 questions I have . Anybody else ? We're done .

18:22:23 8 Thank you , David . We'll distribute the exhibits  
18:22:34 9 as we did before .

18:22:36 10 (Thereupon, signature was waived.)

18:22:36 11 (Thereupon, the deposition was  
18:22:36 12 concluded at 6:22 p.m. )

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1 STATE OF OHIO )

2 COUNTY OF MONTGOMERY ) SS: CERTIFICATE

3 I, Michelle A. Elam, a Notary

4 Public within and for the State of Ohio, duly  
5 commissioned and qualified,

6 DO HEREBY CERTIFY that the  
7 above-named DAVID A. GRILLOT, was by me first duly  
8 sworn to testify the truth, the whole truth and  
9 nothing but the truth.

10 Said testimony was reduced to  
11 writing by me stenographically in the presence  
12 of the witness and thereafter reduced to  
13 typewriting.

14 I FURTHER CERTIFY that I am not a  
15 relative or Attorney of either party, in any  
16 manner interested in the event of this action,  
17 nor am I, or the court reporting firm with which  
18 I am affiliated, under a contract as defined in  
19 Civil Rule 28(D).

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